

ITEM NO.301

COURT NO.6

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay, impleadment, clarification/modification of Court's order, intervention, directions, permission to file additional documents, permission to file additional additional affidavit and office report)
(For Final Disposal)

WITH

T.C.(C) No. 151/2013

(With appln.(s) for impleadment as party respondent and appln.(s) for modification of court's order)

T.C.(C) No. 152/2013

W.P.(C) No. 829/2013

(With appln.(s) for impleadment and impleadment/directions and interim relief and office report)

W.P.(C) No. 833/2013

(With appln.(s) for directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for permission to file additional documents and Office Report)

W.P.(C) No. 932/2013

(With appln.(s) for directions and appln.(s) for interim directions and Office Report)

T.P.(C) No. 312/2014

(With Office Report)

T.P.(C) No. 313/2014

(With Office Report)

W.P.(C) No. 37/2015

(With appln.(s) for amendment of memo of parties and interim stay and permission to file additional documents and office report)

Date : 16/03/2015 These matters were called on for hearing today.



CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.
Ms. Aishwarya Bhati, Adv.
Mr. Talha Abdul Rehman, Adv.
Ms. Neha Meena, Adv.
Ms. Anusha Ramesh, Adv.
Ms. Sadhana Saxena, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Supriya Jain, Adv.
Mr. Gaurav Nair, Adv.
Ms. Niharika, Adv.

For M/s. K.J. John & Co.

Ms. Meenakshi Arora, Sr. Adv.
Mr. Rahul Narayan, Adv.
Mr. Mohit Singh, Adv.

Mr. Abhishek Atrey, Adv.

Ms. V. Mohana, Adv.
Mr. B. Raghunath, Adv.
Mr. Vijay Kumar, Adv.

Ms. Geeta Kovilam, Adv.
Mr. P.V. Kovilam, Adv.

Mr. Ankit Goel, Adv.
Mr. Sanjay Yadav, Adv.

for Mr. Anish Kumar Gupta, Adv.

Mr. Amit Meharia, Adv.
Mr. Tannishtha Singh, Adv.

For M/s. Meharia & Company

For Respondent(s)

UOI

Mr. Ranjit Kumar, SG
Mr. Maninder Singh, ASG
Mr. Ajay Sharma, Adv.
Ms. Binu Tamta, Adv.
Ms. Meenakshi Grover, Adv.
Mr. Zoheb Hossain, Adv.
Mr. Abhinav Mukerji, Adv.

Mr. B.K. Prasad, Adv.
Mr. D.S. Mahra, Adv.

Mr. Prasanna S., Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Rashmi Srivastava, Adv.
Ms. Shubra Rai, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Mr. Kuldeep S. Parihar, Adv.
Mr. H.S. Parihar, Adv.

State of Uttarakhand Mr. Pankaj Bhatia, Adv.
Mr. Dushyant Kumar, Adv.
Mr. Vivek Choudhary, Adv.
Mr. Jatinder Kumar Bhatia, Adv.

Mr. Sumit Atrey, Adv.
Ms. Priyadarshi Banerjee, Adv.
Mr. Ankur Saigal, Adv.
Mr. E.C. Agrawala, Adv.

State of Telangana Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.

State of Jharkhand Mr. Tapesk Kumar Singh, Adv.
Mr. Kumar Anurag Singh, Adv.
Mr. Mohd. Waquas, Adv.

Govt. of Puducherry Mr. V.G. Pragasaam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

ELI Mr. Mohit Ram, Adv.
Ms. Monisha Handa, Adv.
Mr. Neeraj Kumar, Adv.

State of Assam Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
M/s. Corporate Law Group

State of WB Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

State of Nagaland	Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. Balaji Srinivasan, Adv.
State of HP	Mr. J.S. Attri, Sr. Adv. Mr. Varinder Kumar Sharma, Adv. Mr. Sumeet Prakash, Adv.
State of Maharashtra	Ms. Asha Gopalan Nair, Adv. Mr. A.P. Mayee, Adv. Mr. A. Selvin Raja, Adv.
A&N Administration	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.
State of Sikkim	Ms. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. Mr. K. Vijay Kumar, Adv. M/s Arputham Aruna & Co., Adv.
State of Goa	Mr. Ninad Laud, Adv. Mr. Karan Mathur, Adv. Mr. Jayant Mohan, Adv.
State of Manipur	Mr. Sapam Biswajit Meitei, Adv. Mr. Z.H. Issac Haiding, Adv. Mr. Ashok Kumar Singh, Adv.
State of Rajasthan	Mr. Shiv Mangal Sharma, Adv. Mr. Shrey Kapoor, Adv. Ms. Ruchi Kohli, Adv.
State of HP	Mr. Suryanarayana Singh, AAG Ms. Pragati Neekhara, Adv.
State of Punjab	Mr. Sanchar Anand, Adv. Mr. Apoorv Singhal, Adv.
State of Kerala	Mr. Jogy Scaria, Adv. Mr. R.S. Bed, Adv.
State of Mizoram	Mr. K.N. Madhusoodhanam, Adv. Mr. T.G.N. Nair, Adv.
NCT of Delhi	Mr. J.M. Kalia, Adv.
State of Haryana	Mr. B.K. Satija, AAG
IA 5of 2014 in CWP 833/13	Mr. Sumit Attri, Adv. Mr. E.C. Agrawala, Adv.

Mr. Gopal Sankaranarayanan, Adv.
 Ms. Savita Singh, Ad.
 Mr. Prashant, Adv.

State of TN Mr. B. Balaji, Adv.
 Mr. R. Rakesh Sharma, Adv.
 Ms. R. Shase, Adv.

State of Bihar Mr. Abhinav Mukerji, Adv.

UT Chandigarh Ms. Vimla Sinha, Adv.
 Mr. Gopal Singh, Adv.

Mr. Amit Sharma, Adv.
 Mr. Dipesh Sinha, Adv.

Beghar Foundation Mr. Saikrishna Rajagopal, Adv.
 Mr. Juhen George, Adv.
 Mr. Arjun Ranganathan, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Kamal Mohan Gupta, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Mishra Saurabh, Adv.

Mr. Garvesh Kabra, Adv.

Mr. T. G. Narayanan Nair, Adv.

Ms. Anitha Shenoy, Adv.

UPON hearing the counsel the Court made the following
 O R D E R


The matters require considerable time for hearing. Therefore, we direct the matters to be listed for hearing in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

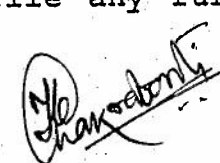
In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013.

Pleadings be completed before the end of April, 2015.

All the parties are at liberty to file any further affidavit or documents, if they so wish.


17/3/2015
(DEEPAK MANSUKHANI)
COURT MASTER


17/03/15
(TAPAN KR. CHAKRABORTY)
COURT MASTER


17/3

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ITEM NO.2 (PH)

COURT NO.4

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay and impleadment and clarification/modification of Court's order and intervention and directions and permission to file additional documents in I.A. No. 11 and office report)

(FOR FINAL DISPOSAL)

WITH

W.P(C) NO. 829 of 2013

(With appln.(s) for interim relief and impleadment and office report)

(For Final Disposal)

W.P(C) NO. 932 of 2013

(With appln.(s) for directions and office report)

T.C.(C) NO. 152 of 2013

T.C.(C) NO. 151 of 2013

(With appln.(s) for impleadment as party respondent and modification of Court's order)

W.P(C) NO. 833 of 2013

(With appln.(s) for directions and impleadment and permission to file addl.documents in I.A.No.3 and office report)

(FOR FINAL DISPOSAL)

CONMT.PET.(C) NO.144/2014 IN W.P.(C) NO.494/2012

Date: 25/02/2014 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Nirman Sharma, Adv.

Mr. Gaurav Nair, Adv.

Mr. Prasanna S, Adv.

Ms. Krishna Kedia, Adv.

Mr. Anuj Sarma, Adv.

Mr. Nirman, Adv.

for M/S. K.J. John & Co., Adv.



9A

I.A. No. 4-5 in
WP(C) No. 494/2012

for

Mr. L. Nageswara Rao, ASG
Mr. Amit Meharia, Adv.
Ms. Khushbu Jain, Adv.
Ms. Rishika Singh, Adv.
M/s. Meharia & Company, Adv.

Mr. P.S. Narasimha, Sr. Adv.
Ms. V. Mohana, Adv.
Mr. B. Ragunath, Adv.
Mr. Vijay Kumar, Adv.

Mr. Soli J. Sorabjee, Sr. Adv.
Mr. Ankit Goel, Adv.
Ms. Mehernaz Mehta, Adv.
Mr. Anish Kumar Gupta, Adv.
Mr. Sanjay Kr. Yadav, Adv.
Ms. Deep Shikha Bharati, Adv.
Mr. Ankit Goel, Adv.
Mr. Pattabhi Ram, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Rajeev Kr. Singh, Adv.
Mr. Nishant Kantneshwarkar, Adv.
Mr. D. Bharat Kumar, Adv.
Mr. Joyodeep Roy, Adv.
Mr. Meru Sagar, Adv.

Mr. Mohit Chaudhary, Adv.
Ms. Varnika Singh, Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Rahul Narayan, Adv.
Mr. Mala Narayan, Adv.
Mr. Shivam Vaidialingam, Adv.

Ms. Aishwarya Bhati, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.
Mrs. Geetha Kovilan, Adv.

For Respondent(s)
(For UIADAI)

for

Mr. Mohan Parasaran, S.G.
Mr. Zoheb Hossain, Adv.
Ms. Aditi Anil Dani, Adv.
Mr. Vakul Sharma, Adv.
Ms. Seema Sharma, Adv.
Mr. D.S. Mahra, Adv.

State of Assam

for

Mr. Krishna Sarma, AAG
Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
M/s. Corporate Law Group

(U.T. Chandigarh)

Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.

9B

(St. of Chhattisgarh) Mr. C.D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.

(NCT of Delhi)
Mr. J.M. Kalia, Adv.
Mr. Brijesh Upadhaya, Adv.

(For ECI) Mr. Mohit D. Ram, Adv.

(St. of Gujarat) Ms. Hemantika Wahi, Adv.
Ms. Preeti Bhardwaj, Adv.

(St. of Haryana) Mr. Manjit Singh, AAG
Ms. Nupur Choudhary, Adv.
Mr. Kamal Mohan Gupta, Adv.

(St. of H.P.) Mr. J.S. Attri, Sr. Adv.
Mr. Suryanarayana Singh, Adv.
Mr. V.K. Sharma, Adv.

(St. of Jharkhand) Mr. Tapesk Kumar Singh, Adv.
Mr. Mohd. Waquas, Adv.

State of Karnataka Ms. Anitha Shenoy, Adv.

State of Kerala
Mr. Jogy Scaria, Adv.

(St. of M.P.) Mr. Mishra Saurabh, Adv.
Ms. Vanshaja Shukla, Adv.
Mr. Ankit Lal, Adv.

(St. of Maharashtra) Mr. Shankar Chillarge, Adv.
Mr. Aniruddha P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.

State of Manipur Mr. Sapam Biswajit Metei, Adv.
Mr. Ashok Kumar Singh, Adv.

(St. of Mizoram) Mr. K.N. Madhusoodhanan, Adv.
Mr. T.G. Narayanan Nair, Adv.
Mr. Pragyan Sharma, Adv.
Mr. Heshu K., Adv.

(St. of Nagaland) Mrs. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.

(St. of Puducherry) Mr. V.G. Pragasaam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

(St. of Punjab) Mr. Sidharth Luthra, ASG
Ms. Supriya Juneja, Adv.
Mr. Nitin Saluja, Adv.
Mr. Sanchar Anand, AAG
Mr. Jagjit Singh Chhabra, Adv.

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(St. of Rajasthan) Mr. Shiv Mangal Sharma, AAG
Mr. Akshat Anand, Adv.
Ms. Ruchi Kohli, Adv.

(For RBI)
R-4 Mr. Jayant Bhushan, Sr. Adv.
Mr. Kuldeep S. Parihar, Adv.
Mr. H.S. Parihar, Adv.

(St. of Sikkim) M/S Arputham, Aruna & Co. , Adv

(St. of Tamilnadu) Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. A. Selvin Raja, Adv.

(St. of Tripura) Mr. Gopal Singh , Adv.
Mr. Ritu Raj Biswas, Adv.

(St. of W.B.) Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

(St. of Uttarakhand) Mr. Jitender Kumar Bhatia, Adv.
Mr. Mukesh Verma, Adv.

Mr. S.S. Shamsbery, Adv.
Mr. Bharat Sood, Adv.
Mr. Varun Punia, Adv.
Mr. Sandeep Singh, Adv.
Mr. Amit Sharma, Adv.

Mr. Varinder Kumar Sharma , Adv

Ms. C.K. Sucharita, Adv.

Mr. Dinkar Kalra, Adv.

Mr. Abhinav Mukerji, Adv
Ms. Purnima Krishna, Adv.
Ms. Bihu Sharma, Adv.

(I.A.No.9 & 10/2014
in WP (C) 494/2012 Mr. Garvesh Kabra, Adv.
Mr. Amit Singh, Adv.
Ms. Pooja Kabra, Adv.

(I.A.No.11 & 12/2014
in WP (C) 494/2012 Mr. K.K. Venugopal, Sr. Adv.
Mr. Gopal Sankaranarayanan, Adv.
Mr. Vikramaditya Awasthi, Adv.
Mr. Ankur Talwar, Adv.
Mr. A.S. Shefali, Adv.
Mr. Prashant, Adv.
Ms. Savita Singh, Adv.

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UPON hearing counsel the Court made the following
O R D E R

Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner in W.P.(C)NO.829/2013 resumed his arguments at 2.05 p.m. and was on his legs till the Court rose for the day. Matters remained part heard.

List on Tuesday, 4th March, 2014 as part heard.

25/2/2014
(O.P. Sharma)
Court Master

25/2/2014
(Deepak Mansukhani)
Court Master

25/2/14
(M.S. Negi)
Assistant Registrar

Bm
25/2

ITEM NO.1 (PH)

COURT NO.4

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay and impleadment and clarification/modification of Court's order and intervention and directions and permission to file additional documents in I.A. No. 11 and office report)
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WITH

W.P(C) NO. 829 of 2013

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T.C.(C) NO. 152 of 2013

T.C.(C) NO. 151 of 2013

(With appln.(s) for impleadment as party respondent and modification of Court's order)

W.P(C) NO. 833 of 2013

(With appln.(s) for directions and impleadment and permission to file addl.documents in I.A.No.3, and office report)
(FOR FINAL DISPOSAL)

CONMT.PET.(C)NO.144/2014 IN W.P.(C)NO.494/2012

Date: 13/02/2014 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Nirman Sharma, Adv.

Mr. Gaurav Nair, Adv.

Mr. Nirman, Adv.

for M/S. K.J. John & Co., Adv.

I.A. No. 4-5 in
WP(C) No. 494/2012

for

Mr. L. Nageswara Rao, ASG
Mr. Amit Meharia, Adv.
Ms. Khushbu Jain, Adv.
Ms. Rishika Singh, Adv.
M/s. Meharia & Company, Adv.

Mr. P.S. Narasimha, Sr. Adv.
Ms. V. Mohana, Adv.
Mr. B. Ragunath, Adv.
Mr. Vijay Kumar, Adv.

Mr. Ankit Goel, Adv.
Mr. Anish Kumar Gupta, Adv.
Mr. Sanjay Kr. Yadav, Adv.

Mr. Soli J. sorabjee, Sr. Adv.
Ms. Mehernaz Mehta, Adv.
Mr. Anish Kumar Gupta, Adv.
Ms. Deep Shikha Bharati, Adv.
Mr. Ankit Goel, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Rajeev Kr. Singh, Adv.
Mr. Nishant Kantneshwarkar, Adv.
Mr. Pattabhi Ram, Adv.
Mr. D. Bharat Kumar, Adv.
Mr. Sanjay Kr. Yadav, Adv.
Mr. Joyodeep Roy, Adv.

Mr. Mohit Choudhary, Adv.
Ms. Varnika Singh, Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Rahul Narayan, Adv.
Mr. Mala Narayan, Adv.
Mr. Shivam Vaidialingam, Adv.

Ms. Aishwarya Bhati, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.
Mrs. Geetha Kovilan, Adv.

For Respondent(s)
(For UIADAI)

for

Mr. Mohan Parasaran, S.G.
Mr. Zoheb Hossain, Adv.
Ms. Aditi Dani, Adv.
Mr. Vakul Sharma, Adv.
Mr. Vidya Sagar, Adv.
Ms. Seema Sharma, Adv.
Mr. D.S. Mahra, Adv.

State of Assam

for

Mr. Krishna Sarma, AAG
Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
M/s. Corporate Law Group

A&N Administration	Mr. Balasubramanian, Adv. Mr. K.V. Jgdishavaran, Adv. Ms. G. Indira, Adv.
(U.T.Chandigarh)	Ms. Vimla Sinha, Adv. Mr. Gopal Singh, Adv.
(St. of Chhattisgarh)	Mr. C.D. Singh, Adv.
State of Bihar	Mr. Gopal Singh, Adv. Mr. Manish Kumar, Adv. Mr. Abhinav Mukerji, Adv. Ms. Bihu Sharma Adv. Ms. Purnima Krishna, Adv.
(NCT of Delhi)	Mr. Harish Salve, Sr. Adv. Mr. J.M. Kalia, Adv. Mr. Brijesh Kr. Upadhyay, Adv. Mr. V. Arora, Adv. Mr. D.S. Mahra, Adv.
(For ECI)	Mr. Mohit D. Ram, Adv.
(St. of Gujarat)	Ms. Hemantika Wahi, Adv. Ms. Giss Antony, Adv.
(St. of Haryana)	Mr. Narender Hooda, Sr.AAG Mr. Bano Deswal, Adv. Mr. Vikas S., Adv. Mr. Manjit Singh, AAG Ms. Vivekta Singh, Adv. Mr. Tarjit Singh, Adv. Ms. Nupur Choudhary, Adv. Mr. Kamal Mohan Gupta, Adv.
(St. of H.P.)	Mr. J.S. Attri, Sr. Adv. Mr. Suryanarayana Singh, Adv. Mr. V.K. Sharma, Adv. Ms. Priyanka Bharihoke, Adv.
(St. of Jharkhand)	Mr. Harish N. Salve, Sr. Adv. Mr. Tapeshe Kumar Singh, Adv. Mr. Mohd. Waquas, Adv. Mr. Kumar Anurag Singh, Adv.
State of Karnataka	Ms. Anitha Shenoy, Adv. Mr. Abhinav Mukerji, Adv Ms. Purnima Krishna, Adv. Ms. Bihu Sharma, Adv.
State of Kerala	Mr. R. Basanth, Sr. Adv. Mr. Jogy Scaria, Adv. Mr. K.K. Sudheesh, Adv.

(St. of M.P.)	Mr. Mishra Saurabh, Adv. Ms. Vanshaja Shukla, Adv. Mr. Ankit Lal, Adv.
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(St. of Nagaland)	Mrs. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv.
(St. of Puducherry)	Mr. V.G. Pragasaam, Adv. Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv.
(St. of Punjab)	Mr. Sidharth Luthra, ASG Mr. Nitin Saluja, Adv. Ms. Supriya Juneja, Adv. Mr. Ashok Aggarwal, AG, Punjab Mr. Sanchar Anand, AAG Mr. Jagjit Singh Chhabra, Adv.
(St. of Rajasthan)	Mr. Shiv Mangal Sharma, AAG Mr. Sitiesh Narayan Singh, Adv. Ms. Pragati Neekhara, Adv.
(For RBI)	Mr. Jayant Bhushan, Sr. Adv. Mr. Kuldeep S. Parihar, Adv. Mr. H.S. Parihar, Adv.
(St. of Sikkim)	Mr. A. Mariarputham, AG Mrs. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. for M/S Arputham, Aruna & Co., Adv
(St. of Tamilnadu)	Mr. B. Balaji, Adv. Mr. R. Rakesh Sharma, Adv. Mr. Anand Sathiyaseelan, Adv. Mr. A. Selvin Raja, Adv.
(St. of Tripura)	Mr. Gopal Singh, Adv. Mr. Ritu Raj Biswas, Adv.
(St. of W.B.)	Mr. Soumitra G. Chaudhuri, Adv. Mr. Anip Sachthey, Adv. Mr. S.S. Shamshery, Adv. Mr. Bharat Sood, Adv. Mr. Varun Punia, Adv. Mr. Sandeep Singh, Adv.

Mr. Amit Sharma, Adv.

Mr. Varinder Kumar Sharma ,Adv

Mr. Sai Kaunna Rajgopal, Adv.

Mr. Jai Sai Deepak, Adv.

Mr. T. George, Adv.

Mr. Arjun Ranganthan, Adv.

Ms. C.K. Sucharita, Adv.

Mr. Dinkar Kalra, Adv.

Mr. Jitender Kumar Bhatia, Adv.

Mr. Mukesh Verma, Adv.

(I.A.No.9 & 10/2014
in WP (C) 494/2012

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Mr. Amit Singh, Adv.

Ms. Pooja Kabra, Adv.

(I.A.No.11 & 12/2014
in WP (C) 494/2012

Mr. K.K. Venugopal, Sr. Adv.

Mr. Gopal Sankaranarayanan, Adv.


Ms. Shefali Vikramaditya, Adv.


Ms. Savita Singh, Adv.

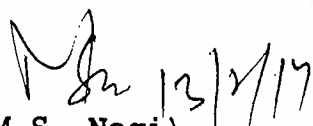
UPON hearing counsel the Court made the following
O R D E R


Mr. Shyam Divan, learned senior counsel, appearing on behalf of the petitioner in W.P.(C)NO.829/2013 resumed his arguments at 11.25 a.m. and was on his legs till the Court rose for the day. Matters remained part heard.

List on Tuesday, the 18th February, 2014 as part heard.


(O.P. Sharma)
Court Master


(Deepak Mansukhani)
Court Master


(M.S. Negi)
Assistant Registrar


13/2

833/12

23-12-14
1 SECOND C. UNION ...

7(1-5)

ITEM NO.1 (PH)

COURT NO.4

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay and impleadment and clarification/modification of Court's order and intervention and directions and permission to file additional documents in I.A. No. 11 and office report)
(FOR FINAL DISPOSAL)

WITH

W.P(C) NO. 829 of 2013

(With appln.(s) for interim relief and impleadment and office report)
(For Final Disposal)

W.P(C) NO. 932 of 2013

(With appln.(s) for directions and office report)

T.C.(C) NO. 152 of 2013

T.C.(C) NO. 151 of 2013

(With appln.(s) for impleadment as party respondent and modification of Court's order)

W.P(C) NO. 833 of 2013

(With appln.(s) for directions and impleadment and permission to file addl.documents in I.A.No.3 and office report)
(FOR FINAL DISPOSAL)

CONMT.PET.(C)NO.144/2014 IN W.P.(C)NO.494/2012

Date: 12/02/2014 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Nirman Sharma, Adv.

Mr. Gaurav Nair, Adv.

Mr. Prasanna S, Adv.

Ms. Krishna Kedia, Adv.

Mr. Nirman, Adv.

for M/S. K.J. John & Co., Adv.

12/2/2014

I.A. No. 4-5 in
WP(C) No. 494/2012

for

Mr. L. Nageswara Rao, ASG
Mr. Amit Meharia, Adv.
Ms. Khushbu Jain, Adv.
Ms. Rishika Singh, Adv.
M/s. Meharia & Company, Adv.

Mr. P.S. Narasimha, Sr. Adv.
Ms. V. Mohana, Adv.
Mr. B. Ragunath, Adv.
Mr. Vijay Kumar, Adv.

Mr. Ankit Goel, Adv.
Mr. Anish Kumar Gupta, Adv.
Mr. Sanjay Kr. Yadav, Adv.

Mr. Soli J. sorabjee, Sr. Adv.
Ms. Mehernaz Mehta, Adv.
Mr. Anish Kumar Gupta, Adv.
Ms. Deep Shikha Bharati, Adv.
Mr. Ankit Goel, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Rajeev Kr. Singh, Adv.
Mr. Nishant Kantneshwarkar, Adv.
Mr. Pattabhi Ram, Adv.
Mr. D. Bharat Kumar, Adv.
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Mr. Joyodeep Roy, Adv.

Mr. Mohit Choudhary, Adv.
Ms. Varnika Singh, Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Rahul Narayan, Adv.
Mr. Mala Narayan, Adv.
Mr. Shivam, Vaidialingam, Adv.

Ms. Aishwarya Bhati, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.
Mrs. Geetha Kovilan, Adv.

For Respondent(s)
(For UIADAI)

for

Mr. Mohan Parasaran, S.G.
Mr. Zoheb Hossain, Adv.
Ms. Aditi Dani, Adv.
Mr. Vakul Sharma, Adv.
Mr. Vidya Sagar, Adv.
Ms. Seema Sharma, Adv.
Mr. D.S. Mahra, Adv.

State of Assam

for

Mr. Krishna Sarma, AAG
Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
M/s. Corporate Law Group

(U.T. Chandigarh)

Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.

(St. of Chhattisgarh) Mr. C.D. Singh, Adv.

(NCT of Delhi)

Mr. Harish Salve, Sr. Adv.
Mr. J.M. Kalia, Adv.
Mr. Brijesh Kr. Upadhyay, Adv.
Mr. V. Arora, Adv.
Mr. D.S. Mahra, Adv.

(For ECI)

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(St. of Gujarat)

Ms. Hemantika Wahi, Adv.
Ms. Giss Antony, Adv.

(St. of Haryana)

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Mr. Bano Deswal, Adv.
Mr. Manjit Singh, AAG
Ms. Vivekta Singh, Adv.
Mr. Tarjit Singh, Adv.
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Mr. Kamal Mohan Gupta, Adv.

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Mr. V.K. Sharma, Adv.
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Mr. Mohd. Waquas, Adv.
Mr. Kumar Anurag Singh, Adv.

State of Karnataka

Ms. Anitha Shenoy, Adv.

Mr. Abhinav Mukerji, Adv.
Ms. Purnima Krishna, Adv.
Ms. Bihu Sharma, Adv.

State of Kerala

Mr. R. Basanth, Sr. Adv.
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Ms. Vanshaja Shukla, Adv.
Mr. Ankit Lal, Adv.

(St. of Maharashtra)

Mr. Shankar Chillarge, Adv.
Mr. Aniruddha P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.

State of Manipur

Mr. Sapam Biswajit Metei, Adv.
Mr. Ashok Kumar Singh, Adv.

(St. of Mizoram)

Mr. K.N. Madhusoodhanan, Adv.
Mr. T.G. Narayanan Nair, Adv.

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(St. of Nagaland) Mrs. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.

(St. of Puducherry) Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

(St. of Punjab) Mr. Sidharth Luthra, ASG
Mr. Nitin Saluja, Adv.
Mr. Ashok Aggarwal, AG, Punjab
Mr. Sanchar Anand, AAG
Mr. Jagjit Singh Chhabra, Adv.

(St. of Rajasthan) Mr. Shiv Mangal Sharma, AAG
Ms. Abhinandini Sharma, Adv.
Mr. Sitesh Narayan Singh, Adv.
Mr. Irshad Ahmad, Adv.
Ms. Pragati Neekhara, Adv.

(For RBI) Mr. Jayant Bhushan, Sr. Adv.
Mr. H.S. Parihar, Adv.
Mr. Kuldeep S. Parihar, Adv.

(St. of Sikkim) Mr. A. Mariarputham, AG
Mrs. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
for M/S Arputham, Aruna & Co. , Adv

(St. of Tamilnadu) Mr. Subramonium Prasad, AAG
Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. Anand Sathiyaseelan, Adv.
Mr. A. Selvin Raja, Adv.

(St. of Tripura) Mr. Gopal Singh , Adv.
Mr. Ritu Raj Biswas, Adv.

(St. of W.B.) Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

Mr. S.S. Shamsbery, Adv.
Mr. Bharat Sood, Adv.
Mr. Varun Punia, Adv.
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(I.A.No.9 & 10/2014
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Mr. Vikramaditya Awasthi, Adv.

Mr. Ankur Talwar, Adv.

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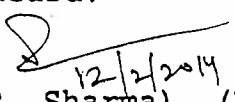
Mr. Prashant, Adv.


Ms. Savita Singh, Adv.

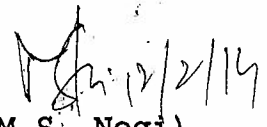
UPON hearing counsel the Court made the following
O R D E R

Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner in W.P.(C)NO.829/2013 resumed his arguments at 10.35 a.m. and was on his legs till the Court rose for the day. Matters remained part heard.

List on Wednesday, the 13th February, 2014 as part heard.


(O.P. Sharma)
Court Master


(Deepak Mansukhani)
Court Master


(M.S. Negi)
Assistant Registrar


12/2

ITEM NO.2 (PH)

COURT NO.4

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay and impleadment and clarification/modification of Court's order and intervention and directions and permission to file additional documents in I.A. No. 11 and office report)
(FOR FINAL DISPOSAL)

WITH

W.P(C) NO. 829 of 2013

(With appln.(s) for interim relief and impleadment and office report)
(For Final Disposal)

W.P(C) NO. 932 of 2013

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T.C.(C) NO. 151 of 2013

(With appln.(s) for impleadment as party respondent and modification of Court's order)

W.P(C) NO. 833 of 2013

(With appln.(s) for directions and impleadment and permission to file addl.documents in I.A.No.3 and office report)
(FOR FINAL DISPOSAL)

CONMT.PET.(C) NO.144/2014 IN W.P.(C) NO.494/2012

Date: 11/02/2014 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

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Ms. Meenakshi Chauhan, Adv.

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Mr. Gaurav Nair, Adv.

Mr. Prasanna S, Adv.

Ms. Krishna Kedia, Adv.

Mr. Nirman, Adv.

for M/S. K.J. John & Co., Adv.

I.A. No. 4-5 in
WP(C) No. 494/2012

for Mr. L. Nageswara Rao, ASG
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For Respondent (s)
(For UIADAI)

for Mr. Mohan Parasaran, S.G.
Mr. Zoheb Hossain, Adv.
Ms. Aditi Dani, Adv.
Mr. Vakul Sharma, Adv.
Mr. Vidya Sagar, Adv.
Ms. Seema Sharma, Adv.
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(St. of H.P.)	Mr. J.S. Attri, Sr. Adv. Mr. Suryanarayana Singh, Adv. Mr. V.K. Sharma, Adv. Ms. Priyanka Bharihoke, Adv.
(St. of Jharkhand)	Mr. Harish N. Salve, Sr. Adv. Mr. Tapes Kumar Singh, Adv. Mr. Mohd. Waquas, Adv.
State of Karnataka	Ms. Anitha Shenoy, Adv. Mr. Abhinav Mukerji, Adv Ms. Purnima Krishna, Adv. Ms. Bihu Sharma, Adv.
State of Kerala	Mr. R. Basanth, Sr. Adv. Mr. Jogy Scaria, Adv.
(St. of M.P.)	Mr. Mishra Saurabh, Adv. Ms. Vanshaja Shukla, Adv. Mr. Ankit Lal, Adv.
(St. of Maharashtra)	Mr. Shankar Chillarge, Adv. Mr. Aniruddha P. Mayee, Adv. Mr. Charudatta Mahindrakar, Adv.
State of Manipur	Mr. Sapam Biswajit Metei, Adv. Mr. Ashok Kumar Singh, Adv.
(St. of Mizoram)	Mr. K.N. Madhusoodhanan, Adv. Mr. T.G. Narayanan Nair, Adv.
(St. of Nagaland)	Mrs. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv.
(St. of Puducherry)	Mr. V.G. Pragasam, Adv. Mr. S.J. Aristotle, Adv.

Mr. Prabu Ramasubramanian, Adv.

(St. of Punjab)

Mr. Ashok Aggarwal, AG, Punjab
Mr. Sanchar Anand, AAG
Mr. Jagjit Singh Chhabra, Adv.

(St. of Rajasthan)

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Mr. Irshad Ahmad, Adv.
Ms. Pragati Neekhara, Adv.

(For RBI)

Mr. Jayant Bhushan, Sr. Adv.
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Mr. Kuldeep S. Parihar, Adv.

(St. of Sikkim)

Mr. A. Mariarputham, AG
Mrs. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
for M/S Arputham, Aruna & Co. , Adv

(St. of Tamilnadu)

Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. A. Selvin Raja, Adv.

(St. of Tripura)

Mr. Gopal Singh , Adv.
Mr. Ritu Raj Biswas, Adv.

(St. of W.B.)

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

Mr. S.S. Shamshery, Adv.
Mr. Bharat Sood, Adv.
Mr. Varun Punia, Adv.
Mr. Sandeep Singh, Adv.
Mr. Amit Sharma, Adv.

Mr. Varinder Kumar Sharma , Adv

Mr. Sai Kaunna Rajgopal, Adv.
Mr. Jai Sai Deepak, Adv.
Mr. T. George, Adv.
Mr. Arjun Ranganthan, Adv.

Ms. C.K. Sucharita, Adv.

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(I.A.No.9 & 10/2014
in WP (C) 494/2012

Mr. Garvesh Kabra, Adv.
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Ms. Pooja Kabra, Adv.


(I.A.No.11 & 12/2014 in WP (C) 494/2012

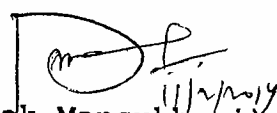
Mr. K.K. Venugopal, Sr. Adv.
 Mr. Gopal Sankaranarayanan, Adv.
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 Mr. A.S. Shefali, Adv.
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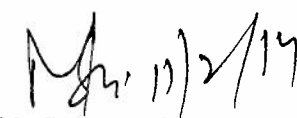
UPON hearing counsel the Court made the following
 O R D E R

Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner in W.P. (C) NO.829/2013 resumed his arguments at 11.10 a.m. and was on his legs till the Court rose for the day. Matters remained part heard.

List on Wednesday, 12th February, 2014 as part heard.


 (O.P. Sharma)
 Court Master


 (Deepak Mansukhani)
 Court Master


 (M.S. Negi)
 Assistant Registrar


 11/2

ITEM NO.6

COURT NO.4

LISTED ON 11.2.13
BEFORE COURT ON
SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions, stay, intervention, clarification/
modification of court's order, impleadment, permission to file
additional documents and office report)
(FOR FINAL DISPOSAL)

WITH

W.P(C) NO. 829 of 2013

(With appln.(s) for interim relief, impleadment and office
report)

W.P(C) NO. 932 of 2013

(With appln.(s) for directions and office report)

T.C.(C) NO. 152 of 2013

T.C.(C) NO. 151 of 2013

(With appln.(s) for impleadment as party respondent and
modification of Court's order)

W.P(C) NO. 833 of 2013

(With appln.(s) for directions, impleadment, permission to file
addl.documents in I.A.No.3 and office report)
(FOR FINAL DISPOSAL)

CONMT.PET.(C)NO.144/2014 IN W.P.(C)NO.494/2012

Date: 04/02/2014 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Mr. Nirman Sharma, Adv.

Mr. Gaurav Nair, Adv.

Mr. Prasanna S, Adv.

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Mr. Anish Kumar Gupta, Adv.

Ms. Deep Shikha Bharati, Adv.

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Mr. Rajeev Kr. Singh, Adv.

2/2/14

5A

Mr. Nishant Kantneshwarkar, Adv.
 Mr. Pattabhi Ram, Adv.
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 Mr. Sanjay Kr. Yadav, Adv.

Mr. P.S. Narasimha, Sr. Adv.
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 Mr. Pawan Kumar Saini, Adv.

Mrs. Geetha Kovilan, Adv.

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 Ms. Aditi Dani, Adv.
 Mr. Alok Mishra, Adv.
 Mr. D.S. Mahra, Adv.
 Mr. Anupam Prasad, Adv.

(U.T. Chandigarh)

Ms. Vimla Sinha, Adv.
 Mr. Gopal Singh, Adv.

(St. of Tripura)

Mr. Gopal Singh, Adv.
 Mr. Ritu Raj Biswas, Adv.

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Mr. Abhinav Mukerji, Adv

(St. of Haryana)

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 Mr. Manjit Singh, AAG
 Mr. Vikas Sharma, Adv.
 Mr. Tarjit Singh, Adv.
 Mr. Vinay Kuhar, Adv.
 Ms. Nupur Choudhary, Adv.
 Mr. Kamal Mohan Gupta, Adv.

(St. of Sikkim)

Mr. A. Mariarputham, AG

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 4/2/2014

Mrs. Aruna Mathur, Adv.
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Mr. Sunil Kumar, Sr. Adv.
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Mr. Mohd. Waquas, Adv.

Mr. Sai Kaunna Rajgopal, Adv.
Mr. Jai Sai Deepak, Adv.
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Ms. Nupur Quanungo, Adv.
Ms. Preeti Bhardwaj, Adv.

Mr. D.S. Mahra, Adv.

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Ms. Vanshaja Shukla, Adv.
Mr. Ankit Lal, Adv.

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Mr. Amit Kumar Singh, Adv.

Ms. Savita Singh, Adv.

Mr. Garvesh Kabra, Adv.

(St. of W.B.)

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

M/S Corporate Law Group, Adv.

(St. of Mizoram)

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(St. of Puducherry)

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Mr. K.K. Sudheesh, Adv.

(NCT of Delhi)

Mr. J.M. Kalia, Adv.
Mr. D.S. Mahra, Adv.

(St. of Tamilnadu)

Mr. Subramonium Prasad, AAG

8 Feb 14

Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. Selvin Raja, Adv.

(For RBI)

Mr. Jayant Bhushan, Sr. Adv.
Mr. H.S. Parihar, Adv.
Mr. Kuldeep S. Parihar, Adv.

(For ECI)

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Ms. Shreya Kapoor, Adv.
Ms. Pragati Neekhara, Adv.

(St. of H.P.)

Mr. J.S. Attri, Sr. Adv.
Mr. Suryanarayana Singh, Adv.
Mr. V.K. Sharma, Adv.
Ms. Priyanka Bharihoke, Adv.

(St. of Chhattisgarh)

Mr. C.D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.
Ms. Shreya Dubey, Adv.

For Applicant (s)

(I.A.No.4-5/2014
in WP (C) 494/2012

Mr. L. Nageshwar Rao, ASG
Mr. Amit Maharia, Adv.
Ms. Kshushbu Jain, Adv.

(I.A.No.9 & 10/2014
in WP (C) 494/2012

Mr. Garvesh Kabra, Adv.
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Ms. Pooja Kabra, Adv.

(I.A.No.11 & 12/2014
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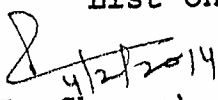
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Mr. Gopal Sankaranarayanan, Adv.
Mr. Ankur Talwar, Adv.
Mr. A.S. Shefali, Adv.
Mr. Prashant, Adv.
Ms. Savita Singh, Adv.

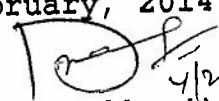
UPON hearing counsel the Court made the following

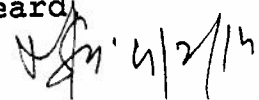
O R D E R

Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner in W.P. (C) NO.829/2013 started his arguments at 10.50 a.m. and was on his legs till the Court rose for the day. Matters remained part heard.

List on 11th February, 2014 as part heard


(O.P. Sharma)
Court Master


(Deepak Mansukhani)
Court Master


(M.S. Negi)
Assistant Registrar


04/2

ITEM NO.19+32 (MM)

Court No.4

LISTED ON 9.2.15
BEFORE COURT ON
SECTION PIL
REV. NO. 6

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay and impleadment and clarification/modification of court's order and intervention and directions and office report)

WITH W.P(C) NO. 829 of 2013

(With appln(s) for interim relief and impleadment and office report)

(For final disposal)

W.P.(C) NO. 932/2013

(With appln(s) for directions and office report)

T.C.(C) NO. 152/2013

T.C.(C) NO. 151/2013

W.P.(C) No. 833/2013

(With appln(s) for directions and impleadment and permission to file additional document in I.A. No. 3 and office report)

(For Final Disposal)

Conmt. Pet.(Civil) No. 144/2014

Date: 28/01/2014 These matters were mentioned today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For the parties:

Mr. Shyam Divan, Sr. Adv.(Mentioned by)

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Gaurav Nair, Adv.

Mr. Mohan Parasaran, SG

Mr. D.S. Mahra, AOR

Mr. Anish Kumar Gupta, Adv.

Mr. D.S. Mahra, AOR

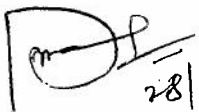
Mr. Tapesh Kumar Singh, AOR

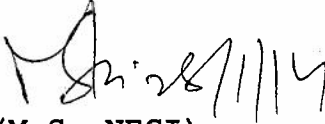
Mr. Nikhil Nayyar, AOR

Mr. Kamal Mohan Gupta, AOR
M/s. Meharia & Company, AOR
M/s. Corporate Law Group, AOR
Mr. Abhinav Mukerji, AOR
Mr. V.G. Pragasam, AOR
Mr. Jagjit Singh Chhabra, AOR
Mr. Varinder Kumar Sharma, AOR
Ms. C.K. Sucharita, AOR
Mr. Gopal Singh, AOR
Ms. Hemantika Wahi, AOR
Mr. Mishra Saurabh, AOR
Mr. Anip Sachthey, AOR
Mr. Garvesh Kabra, AOR
Mr. Aniruddha P. Mayee, AOR
Mr. T.G. Narayanan Nair, AOR
M/s. K.J. John & Co., AOR
Ms. Jyoti Mendiratta, AOR
Mr. Mohit D. Ram, AOR
Mr. H.S. Parihar, AOR
Mr. Rahul Narayan, AOR
Ms. Geetha Kovilan, AOR
Mr. Vijay Kumar, AOR
Ms. Aishwarya Bhati, AOR

UPON mentioning the Court made the following
O R D E R

List the matters on Tuesday, the 4th
February, 2014 subject to overnight part-heard.


28/1/14
(DEEPAK MANSUKHANI)
Court Master


28/1/14
(M.S. NEGI)
Assistant Registrar



ITEM NO.1

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions, stay, intervention, clarification /
modification of court's order, impleadment and office report)
(For final disposal)

WITH W.P(C) NO. 829 of 2013

(With appln(s) for interim relief and impleadment and office report)
(For final disposal)

W.P(C) NO. 932 of 2013

(With appln(s) for directions and office report)

W.P.(C) No. 833 of 2013

(With appln(s) for directions & impleadment & office report)
(For final disposal)

T.C.(C) No. .../2013 @ T.P.(C) No. 47-48/2013

(With appln(s) for stay and deletion of the name of petitioner)
(For final disposal)

T.C.(C) No. .../2013 @ T.C.(C) No. 476/2013

(With appln(s) for stay)
(For final disposal)

Date: 26/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Soli J. Sorabjee, Sr. Adv.

Mr. Mehernaz Mehta, Adv.

Mr. Ankit, Adv.

Mr. Anil B. Diwan, Sr. Adv.

Mr. Ankit Goel, Adv.

Ms. Deepshikha Bharti, Adv.

Ms. Nachiketa Joshi, Adv.

M. Pattabhi Ram, Adv.

Mr. S.S. Shamsherya, Adv.

Mr. Nishant Katreswarkar, Adv.

Mr. Mehernaaz Mehta, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Mr. Mohit Chaudhary, Adv.

Ms. Varnika Singh, Adv.

Mr. Imran Ali, Adv.

3/11

Ms. Damani Chawla, Adv.
Mr. Harsh Sharma, Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Varun Singh, adv.
Mr. Anuj Sarna, Adv.
Mr Nirman Sharma, Adv.
Mr. Abhinav Malhotra, Adv.
M/S. K.J. John & Co., Adv.

Mr. P.S. Narashima, Sr. Adv.
Mr. V. Mohana, Adv.
Mr. B. Raghunath, Adv.
Mr. S. Prasana, Adv.
Mr. Ishaan Geroge, Adv.
Mr. Vijay Kumar.

Ms. Aishwarya Bhati, Adv.
Mr. D.S. Mahra ,Adv.

Mr. P.R. Kovilan, Adv.
Mrs. Geetha Kovilan, Adv.

For Respondent(s)

Mr. Mohan Parasaran, S.G.
Mr. Alok Kumar, Adv.
Mr. Alok Prassana, Adv.
Mr. Anupam Prasad, Adv.
Mr. D.S. Mahra, Adv.

Mr. Sunil Kumar, Sr. Adv.
Mr. Tapesk Kumar Singh ,Adv.
Mr. Mohd. Waquas, Adv.

Mr. Mohit D. Ram, Adv.
Ms. Madhvi Chaudary, Adv.
Mr. Vasv Anant Raman, Adv.

For Intervenors

Mr. L. Nageshwara Rao, ASG
Mr. Amit Meharia, Adv.
Ms. Khushbu Jain, Adv.
For M/s Meharia & Co., Adv.

Mr. Sai Krishna Rajgopal, Adv.
Ms. Julian George, Adv.

31

Mr. Nikhil Nayyar, Adv.
Ms. Pritha Srikumar Iyer, Adv.
Mr. Dhananjay Baijal, Adv.
Ms. Akanksha, Adv.

UPON hearing counsel the Court made the following
O R D E R

After hearing the matter at length, we are of the view that all the States and Union Territories have to be impleaded as respondents to give effective directions. In view thereof notice be issued to all the States and Union Territories through standing counsel.

The advocates who have already entered appearance must file their replies within a period of three days from today. Learned standing counsel for the States who were not represented may take instructions from their respective States and file their response within one week.

List this matter for further hearing on 10th December, 2013.

Interim order to continue, in the meantime.

Neeta
27/11/13
[Neeta]
Sr. P.A.

M.S. Negil
Court Master

27/11

2013/13

2

Before Court No. 5

Item No. 2

ITEM NO.43

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
IA 3-4/2013

in
WRIT PETITION (CIVIL) NO.494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for clarification/modification of court's order and office report)

WITH

W.P.(C) NO.833/2013 ✓

(With appln.(s) for directions and office report)

Date: 08/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B.Divan, Sr.Adv.
Mr. Shyam Divan, Sr.Adv.
Mr. Ankit Goel, Adv.
Mr. Ranvir Singh, Adv.
Mr. Sanjay Yadav, Adv.
Ms. Deepshikha, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Paqttabhi Ram, Adv.
Mr. Nishant Katneshwar, Adv.
Mr. S.S. Shamshery, Adv.
Mr. Sanjay Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.

Mr. P.S. Narashiman, Sr.Adv.
Mrs. V. Mohana, Adv.
Mr. B. Ragunath, Adv.
Mr. Vijay Kumar, Adv.
M/S. K.J. John & Co.

For Respondent(s)

Mr. G.E. Vahanvati, A.G.
Mr. Mohan Parasaran, S.G.
Mr. Alok Kumar, Adv.
Mr. Alok Prasanna, Adv.
Mr. Anupam Prasad, Adv.
Ms. Tara Narula, Adv.
Mr. D.S. Mahra, Adv.

(for Intervenors)

Mr. L. Nageshwar Rao, ASG
Mr. Amit Meharia, Adv.
Ms. Khushbu Jain, Adv.
Ms. Sophia Mustafa, Adv.
For M/s. Meharia & Company

24.12.13

2A

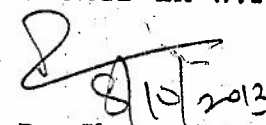
UPON hearing counsel the Court made the following
O R D E R

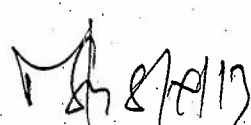
Issue notice in I.A.Nos.2,3,4,5 & 6/2013.


Issue notice in W.P.(C)No.833/2013. Ms.
D.S. Mahra, learned counsel accepts notice on
behalf of the Union of India.

List the matters for final hearing on 22nd
October, 2013 as Item No.2 with all connected
matters.

In the meanwhile, the reply to the IAs
may be filed by the learned counsel for the
petitioner in W.P.(C)No.494/2012.


(O.P. Sharma)
Court Master


(M.S. Negi)
Court Master


08/10

ITEM NO.11

Court No.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 833 OF 2013

ARUNA ROY & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(With appln(s) for directions and office report)

Date: 07/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. P.S. Narsimhan, Sr. Adv.

Mr. Vijay Kumar, Adv.

For Respondent(s)

WP (C) no. 494/2012

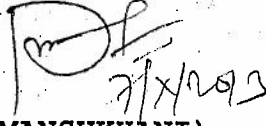
Mr. Mohan Parasaran, SG

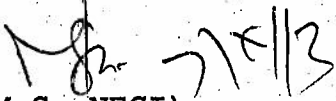
Mr. D.S. Mahra, Adv.

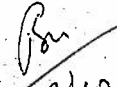
UPON hearing counsel the Court made the following

O R D E R

List this matter tomorrow, i.e. 8th
October, 2013 along with I.A. No...../2013 in W.P.
(C) No. 494/2012.


(DEEPAK MANSUKHANI)
Court Master


(M.S. NEGI)
Court Master


07/10

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12 Addl. document Ann. P-8 145-169

13 OR dt 5-10-13 - 169-173

A

**LISTING PROFORMA
IN THE SUPREME COURT OF INDIA**

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Nature of the matter | : Civil |
| 2. | Name of Petitioner / Appellant / Applicant | M/S Aruna Roy anr |
| 3. | Name of Respondent | : Union of India and others |
| 4. | Number of case | : W.P. (C) No. of 2013 |
| 5. | Advocate for Petitioner | : vijay kumar |
| 6. | Advocate for Respondent | : - N.A.- |
| 7. | Section dealing with the matter | : X |
| 8. | Date of the impugned order / Judgment | N.A |
| 8A. | Name of the Hon'ble Judges | N.A |
| 8B. | In Land Acquisition Matters:- | N.A |
| | i) Notification/Govt. Order No.(U/S. 4, 6)
Dated issued by Centre/State of | |
| | ii) Exact purpose of acquisition & village involved | |
| 8C. | In Civil Matters:- | N.A |
| | i) Suit No., Name of Lower Court | : N.A |
| | Date of Judgment | : N.A |
| 8D. | In Writ Petitions:- | |
| | "Catchword" of other similar matters | - NA- |
| 8E. | In case of Motor Vehicle Accident Matters:-
Vehicle No. | - NA- |
| 8F. | In Service Matters:- | |
| | (i) Relevant service rule, if any | - N- |
| | (ii) G.O/Circular/Notification, if
applicable or in question | |
| 8G. | In Labour Industrial Disputes Matters:- | - N.A. |
| | I.D. Reference/Award No., if applicable | |
| 9. | Nature of Urgency | : Stay |
| 10. | In case it is a Tax matter: | |
| | a) Tax amount involved in the matter | |
| | Whether reference /statement of the case was called for
or rejected | |
| | (c) Whether similar tax matters of same parties
filed earlier (may be for earlier / other Assessment
Year)? | - N.A- |
| 11. | Valuation of the matter | - N.A- |
| 12. | Classification of the matter: | : |
| | No. of subject Category with full name | : |
| | No. of Sub-category with full name | |
| 13. | Title of the Act involved (Centre/State) | : N.A |
| 14. | a) Sub-classification/
indicate Section/Article of the statute) | : N.A |
| | b/ sub-section involved | : NA |
| | c) Title of the Rules involved (Centre/State) | : NA |
| | d) Sub-classification (Rule/sub-rule of the statute) | : NA |
| 15. | Point of law and question of law raised in the case | Whether the collection of sensitive data under the
UID scheme is itself a violation of the Right
to Privacy of an individual. The threat to this |

A 1

sacred right is only accentuated when such action is undertaken in the absence of any statutory frame work

16. Whether matter is not to be listed before any Hon'ble Judge? Mention the name of the Hon'ble Judge : - N.A. -
17. Particulars of identical/similar cases, if any,
 - a) Pending cases : -N.A.-
 - b) Decided cases with citation :
- 17A. Was S.L.P./Appeal/Writ filed against same impugned judgment/order earlier? If yes, Particulars : -N.A.-
18. Whether the Petition is against interlocutors/final order/decreed in the case : Final Order
19. If it is a fresh matter please state the name of the High Court and the Coram in the impugned judgment/order N.A
20. If the matter was already listed in this Court:
 - a) When was it listed?
 - b) What was the Coram?
 - c) What was the direction of the Court?
21. Whether a date has already been fixed either by Court or on being mentioned, for the hearing of the matter? If so, please indicate the date fixed : - N.A. -
22. Is there a caveator? If so, whether a notice has been issued to him? : - N.A. -
23. Whether date entered in the Computer? : - N.A. -
24. If it is a criminal matter, please state:
 - (a) Whether accused has surrendered : - N.A. -
 - (b) Nature of offence, i.e. Convicted under Section with Act : - N.A. -
 - (c) Sentence awarded
 - (d) Sentence already undergone by the Accused : - N.A. -
24. (e) (i) FIR/RC/etc
Date of registration of FIR etc.
(ii) Name & Place of Trial Court
Case No. in Trial Court and Date of Judgment
(iii) Name and Place of 1st Appellate Court
Case No. in 1st Appellate Court & date of Judgment

Writ Petition © NO 494 of 2012

FILED BY:



(vijay kumar)

ADVOCATE FOR THE PETITIONER

FILED ON: 7.8.20132
NEW DELHI

B

SYNOPSIS

Petitioners, who are social workers working for the upliftment of the economically and/or socially backward classes, are filing the present Public Interest petition - being aggrieved *inter alia* by the implementation of the 'Unique Identification Number' System (UID) (also known as "Aadhaar"), which has now been linked to various Welfare Schemes.

This Hon'ble court has issued notice in a case arising out of similar issue challenging the implementation of the 'Unique Identification Number' System (UID) vide W.P. no 494 of 2012 and the same is pending adjudication. The petitioners are not party in W.P. no 494 of 2012.

The Unique Identification Authority of India (UIDAI) was established in February 2009 as part of the Planning Commission and as an agency of the Government responsible for implementing the AADHAAR scheme. According to this scheme, every resident of India is entitled to enrol herself/himself and get a unique, randomly assigned 12-digit number. For such enrolment, every resident so intending would have to provide his/her personal information along with biometric details such as finger-prints and iris

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scan for one-time de-duplication and future identification. Accordingly, a centralized database would be created under the UIDAI with all the above information. It would be pertinent to mention here that the enrolment under the UIDAI scheme is purportedly voluntary - yet many welfare schemes of the State seem to mandate the need for an AADHAAR number to access those schemes - effectively making AADHAAR enrolment compulsory.

It is humbly submitted that the UID project is bereft of any statutory or constitutional backing; and the actions of the Respondents in furtherance of the UID Scheme violate various fundamental rights of the people including the Right to Privacy and Right to equality and equal protection of the laws. For eg: the UID scheme, which has no statutory framework to provide for any accountability, data-protection, offences for violation etc., demands that every person seeking to get enrolled with has to provide her/his biometric details viz. finger-prints and iris scan along with other personal details. This data is collected by private contractors and non-governmental organizations who have been hired by UIDAI to carry out the enrolment process. There is no law governing

①

the use of and protection of such data. In the present day and age, where every country is facing the problem of identity frauds, usage of fake identities for money laundering, terrorism, etc., UID is letting private contractors collect sensitive data of persons, which is not protected or governed under any law, whatsoever. As stated above, this data includes not only personal information of a person, which can be used for fake identities, but can also be used to mine the demographics of our country. Moreover, such data also has biometric details of people, which is sensitive and prone to misuse not only by private actors but also, by the State. Therefore, without a statutory framework determining accountability, data-protection, offences for violation etc., UID is putting in jeopardy not only life and rights of people, but also, security of our country.

Under Chapter 5 of the "Strategic Overview Document" released by it, the UIDAI has itself acknowledged the imperative need to have a legal framework in place to ensure the "smooth functioning" of the Authority and further in Chapter 9, acknowledged various risks the UIDAI was facing, *inter*

E

alia viz. the Privacy and Security Risk relating to the data collected.

It is important to note that the National Identification Authority of India Bill as introduced by the Union Ministry of Planning in the Rajyasabha was rejected by the Parliamentary Standing Committee on Finance by its 42nd Report in December 2011. Despite this rejection of the Government's proposed legal framework and consequent legal vacuum, the UIDAI is continuing the process of enrolment and issuance of the UID.

Given that the UIDAI has admitted to the above flaws in the project, and given the fact that they have not been addressed effectively till date, utmost caution and restraint should have been exercised while further implementing the scheme. However, without providing any statutory or legal framework, or addressing any of the security risks involved, the government is implementing the UID project at the cost of the taxpayers' money.

It is humbly submitted that the government is in fact now practically making enrolment with UID compulsory by making UID number mandatory for

F

seeking benefits under various welfare schemes meant for the economically dependent classes. It is therefore pertinent to point out that it is not merely a "facilitator" as it is claimed, but as something that is imposed on people whose lives and livelihoods depend on some of these entitlements.

Therefore, it is clear that the government is hastily implementing the UID project without a statutory framework; without any security to the sensitive data collected by private contractors; without any accountability and without any punishment defined for misuse of such data etc. thereby putting the life and rights of people in jeopardy and potentially putting the security of the country at serious risk.

Besides compulsoriness and the threat relating to data collection, the other limb of the Petitioners' grievance is related to the government's decision to link UID with various welfare schemes and the observed and potential effects of such linkage. It is humbly submitted that government is linking a number of welfare schemes such as PDS, MGNREGA, Scholarships, Pensions, RSBY, Janani Suraksha Yojana and LPG connections to UID such that those

C7

entitled to benefits under the said schemes will only receive them if they have an AADHAAR number and they are authenticated for every transaction through the AADHAAR identification process.

It is important to point out that the AADHAAR is not actually providing an identity. For PDS beneficiaries, identity is provided through the ration card; for MGNREGA beneficiaries, through the job card; and for other schemes as well there are independent selection and identification processes. The UID despite its name is actually only a biometric authentication process. This process of acquiring UID and authenticating people through their biometrics (finger prints, iris scans, etc) is long and is briefly outlined below.

- First, the beneficiary has to apply for UID enrolment. In most parts of the country this has meant standing in long queues, waiting for their turn to come.
- Then they have to provide some form of identification – ration card, passport, voter-id, etc which has proof of name and residence. In case no document is available, the person is technically allowed to provide any c/o address,

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for example a local NGO that will vouch for the person.

- The person then has to fill a detailed form providing personal information. Although the form provides an option for the person to refuse the disclosure of his/ her information, most people are unaware of this option.
- The enrolment agency (a private person) then records the person's biometric information. In many cases the machine is unable to record an image of sufficiently good quality to use for authentication. This occurs especially in case of elderly persons and children. In such cases enrolment numbers have not been provided.
- This information is then stored in an online database by the UIDAI and an enrolment number is issued. A receipt is sent by speed post to the address provided by the applicant.
- Thereafter the applicant's biometric data that were collected is "de-duplicated" against the central database of biometric data collected from all other residents who have enrolled for the UID. Once the applicant's biometrics is deemed to be

I

unique using the De-duplication process, the applicant is assigned a unique 12-digit UID and the same is then sent to him/her.

- Every time a beneficiary needs to access the benefit they are required to authenticate themselves through a biometric process i.e. Fingerprint identification, iris scan, etc through a point of service machine.
- This data is transmitted in real-time online to the UIDAI's central server which sends back an authentication response. Each one of these transmissions has to be costed separately. There are many times when particular fingerprints or iris scans do not provide a good enough image to get a positive response.
- In such cases of repeated failure to authenticate a manual override is used. This can be of many forms including the sending of a One Time Password (OTP) to any mobile number provided by the beneficiary or the service provider. In effect, this means a negation of the biometric authentication process.

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- This process could be used to authenticate the beneficiary for providing benefits in kind such as wheat or gas or kerosene, or for cash benefits such as pensions, scholarships and MGNREGA wages.
- The provision of cash is being planned through a complex banking system which requires a banking network in every remote part of the country.
- Because of the absence of a banking network in many parts, the UIDAI is suggesting the use of 10 million Banking Correspondents (BCs). These are private individuals with hand held biometric authentication machines and cash to dispense.
- The dependence on machines, the need for high quality internet connectivity, and the vital role played by unaccountable private operators makes the system a potential nightmare for the intended beneficiaries - especially in rural India. The malfunctioning of any one of these vulnerable systems would mean exclusion for the beneficiary.

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Linking the UID with these projects has inter alia two repercussions:-

- a. As mentioned above, UID is practically and stealthily being made compulsory.

The failure of implementation of UID because of its inherent defects is consequently leading to the failure of the welfare scheme itself. In other words, because of UID, some of the ultimate beneficiaries are being excluded; all beneficiaries are being burdened with unnecessary procedures without any consequent advantage to them.

The first thing to understand about the UID in welfare programmes is that it needs 100% coverage and 100% efficiency to be successful. That is the reason that enrolment has been made effectively compulsory. The very difficult situation created begins with enrolment. Those who do not manage to enrol are immediately excluded. Dependence on technology and machines means that any breakdown or technical failure can mean days of delay with no alternative available. Dependence on connectivity means additional costs, additional time, and potential exclusion if connectivity is not established at all times.

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Use of a central database and a single UID technology platform precludes the option of localized corrective measures. Biometrics themselves have had upto a 15% failure rate – especially in vulnerable sections of the population eg- agricultural labour, elderly, children. All this contributes to an inevitable collapse of the UID system, but at great cost to the intended beneficiaries of welfare programmes. There is empirical research to show that the Biometric Identification denoted for UID, namely the Iris Scan and finger print Identification, is faulty and capable of misuse.

In fact, even the Parliamentary Standing Committee on Finance, after considering the various clauses in the Bill, explicitly stated the Government should reconsider and review the UID Scheme. The committee further went on to observe that since the law making process is underway with the Bill pending approval of both houses, any executive action in the interim would be inappropriate. It further pointed out that UID cannot achieve full coverage of marginalized sections for issuing Aadhaar numbers, mainly owing to two reasons being, that the UID doesn't have the required statistical data and the estimated failure of biometric is expected to be high as 15% due to a large

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chunk of population being dependent on manual labour.

As per the scheme all the Residents are entitled to enrol under the UID scheme. But the question still remains that whether a person's who is homeless or who doesn't have the adequate documents for enrolment, will get a UID number? If such enrolment is denied for whatever reason, then such economically backward persons who are otherwise benefiting under other welfare schemes that are not linked to UID, would be disentitled to such benefit on the linking of other social welfare schemes with UID,.

UIDAI claims that those who do not have any of these documents can also apply for a UID number. In such cases authorised individuals who already have a UID number can introduce residents who don't possess any of the requisite documents and certify their identity. However, this it is not as simple as it sounds and give rises to various security risks and the possibility of fake identities, which can compromise national security.

Further it is submitted that though the State claims the enrolment for the UID number is demand-

driven and on a voluntary basis, the harsh disqualifications for non-enrolment, virtually makes obtaining a UID number compulsory. As a commentator pointed out that the present UID system is like selling bottled water in a village after poisoning the other available drinking water and claiming people are buying water voluntarily.

By implementing of the UID system in the present form and in a legal vacuum, it is potentially depriving a citizen of his/ her fundamental right at two stages.

1. Firstly, while implementing the project itself, there is a direct infringement on the various fundamental rights because of the lack of data protection.
2. Secondly, due to the non-implementation or ineffective implementation of the UID by linking it with other social welfare benefit schemes, persons who are currently benefiting under such existing welfare schemes, run the risk of being arbitrarily excluded. Thereby a person's right guaranteed under Articles 14, 21 and 21-A are again violated and would also

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amount to the State shirking its duties under Part IV of the Constitution.

It is humbly submitted that such, high-handed and casual action of the State, wherein its citizenry are deprived of their fundamental rights, stands in violation of the Constitution - both in letter and in spirit. There is no justification for the casual implementation of such a scheme without providing adequate legislative safeguards.

Therefore, Petitioners being aggrieved by the above are filing the present writ petition.

LIST OF DATES

28-1-2009 The Unique Identification Authority of India (UIDAI) was established in February 2009 as part of the Planning Commission and as an agency of the Government responsible for implementing the AADHAAR scheme. According to this scheme, every citizen of India is entitled to enrol herself/himself with it and get a unique, randomly selected 12-digit number. For such enrolment, every person so intending would have to provide his/her personal information along with biometric

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details such as finger-prints and iris scan for future identification. Accordingly, a centralized database would be created under the UIDAI with all the above information. This was the first indication of the use of biometrics. No studies had been done by then - as is indicated in their invitation to a consultant dated some time in Jan-Feb 2010.

It would be pertinent to mention that enrolment under the UIDAI scheme is on a purported voluntary basis - however, the harsh disqualification attached to non-enrolment, virtually makes enrolment compulsory. Mr Nilekani, the chairman of the UIDAI, himself authored various reports the adoption of which would make UID enrolment compulsory.

June 2009 Mr. Nandan Nilekani, former co-chairman of Infosys Technologies, was appointed as the first Chairman of the authority with Mr. R.S. Sharma, an IAS Officer of the Jharkhand Government, as the Director General and Mission Director of the Authority.

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23.7.2009 The UIDAI started functioning as on
23.7.2009.

30.07.2009 "Prime minister's council" headed by the
Prime Minister on UID, was constituted on
30.07.2009.

12.8.2009 The first meeting of the Prime Minister's
Council on UID authority was held on
12.08.2009.

August 2009 "Report of the Working Group of the
Reserve Bank of India to review the Business
Correspondent Model" documenting *inter alia*,
the experience gained and inferences drawn in
relation to the working of the Banking
Correspondents, was published.

22.10.2009 A cabinet committee on the Unique
Identification Authority of India vide order
dated 22.10.2009 bearing no.1/11/6/2009
was constituted.

9.9.2009 The Demographic Data Standards and
Verification Procedure Committee submitted
its report on 9.12.09.

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Dec 2009 Biometrics Committee submitted its report, in December 2009. The report itself stated two major problems: firstly the scaling of a database size as vast as fifty million to one billion has not been adequately analysed. Second, the finger print quality, the most important variable for determining accuracy, has not been studied in depth in the Indian context. The report pointed out that there is data to suggest that the quality and therefore the accuracy drops precipitously if attention is not given to operational processes. The report itself highlighted the apprehensions on technical factors that can impact accuracy more significantly.

Feb 2010 Biometric consultants were invited to help UIDAI in the field of Bio metrics.

April 2010 The UIDAI released a UIDAI Strategic Overview document. Under Chapter 5, the report acknowledges the imperative need to have a proper legal structure in place to ensure the "smooth functioning" of the UIDAI and further acknowledges at Chapter 9 various

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project risks of serious consequences, which are hereunder as follows:

1. Adoption risks - There will have to be sufficient, early demand from residents for the UID number. Without critical mass among key demographic groups (the rural and the poor) the number will not be successful in the long term.
2. Political risks - The UID project will require support from state governments across India. The project will also require sufficient support from individual government departments, especially in linking public services to the UID.
3. Enrolment risks - The project will have to be carefully designed to address risks of low enrolment, while managing difficulties in address verification, name standards, lack of information on date of birth, and hard to record fingerprints.
4. Risk of Scale - The project will have to handle records that approach one

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billion in number, which would create significant risks in biometric deduplication as well as in administration, storage, and continued expansion of infrastructure.

5. Technology Risk - Technology being a key part of the UID program, and this being the first time in the world that storage, authentication and deduplication of biometrics are being attempted on this scale. The authority will have to address the risks carefully – by choosing the right technology in the architecture, biometrics, and data management tools; managing obsolescence and data quality.
6. Privacy and Security Risk - UIDAI will have to ensure that resident data is not shared or compromised.
7. Sustainability Risk- The economic model for the UIDAI will have to be designed to be sustainable in the long-term, and ensure that the project can

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adhere to the standards mandated by
the Authority.

Thus it is submitted once UIDAI has itself identified some of the many flaws of the main parent project itself (UID), which have not been addressed effectively till date, utmost caution and restraint should be exercised while implementing any scheme, especially, one which would affect the Right to Food of people, under the UID project.

30.06.2010 Draft Bill of UIDAI uploaded on the website inviting comments within 14 days. Very few, if any, of the comments seem to have been taken into account.

Sept 2010 Aadhaar Enrolment began in September 2010.

One of the objects of the entire project was non-duplication and elimination of fake identity cards, but reports and studies have proved otherwise.

29-09-2010 UIDAI launched the AADHAAR programme in the tribal village, Tembhli, in Shahada, Nandurbar, Maharashtra on 29 September 2010.

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3.12.2010 National Identification Authority of India,
Bill 2010, (NIAI) was introduced in the Rajya
Sabha.

2011 A paper titled 'Experimental Evidence of a
Template Aging Effect in Iris Biometrics'
authored by Samuel P. Fenker, University of
Notre Dame. This has been referred to as an
example reference later in the Petition.

31.01. 2011 Report by the Technology Advisory Group
of Unique Projects, under the chairmanship of
Mr. Nandan Nilekani, proposed that all Govt
data be handed over to a "private company
with public purpose" and with "profit making
as the motive but not profit maximizing."

February 2011 Inter-ministerial task force to streamline
the subsidy distribution mechanism was set
up.

March 2011 In great haste and without waiting for the
National Identification Authority of India Bill,
2010, to be passed by Parliament or without
collection of any statistic on working of the
AADHAAR system, Aadhaar Enabled Payment
System (AEPS) was introduced. AEPS is an

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Indian payment system developed by NPCI
based on the UID number (Aadhaar number).

June 2011 The task force on direct transfer of
subsidies gave its Interim report, highlighting
the lacuna in the project in its current form.

13.12.2011 Standing Committee Report submitted to
Parliament stating that both the Bill and
project should be re-considered.

Parliamentary Standing Committee on Finance
rejected the National Identification Authority of
India Bill, 2010 in its present form. The
Parliament's Standing Committee on Finance
while considering the Bill termed the project as
directionless and conceptualised with no
clarity of purpose. The committee also
expressed its reservations on the technology
used for the project calling it "untested,
unproven, unreliable and unsafe".

The report mentions about the comment of
Justice Dr. M. Rama Jois; MP (Rajya Sabha) in
his representation addressed to the Chairman,
Standing Committee on Finance. He "pointed
out since the NIDAI Bill is pending for

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consideration before the Standing Committee on Finance, implementation of the provisions of the Bill, issue of aadhaar numbers and incurring expenditure from the exchequer by the Government is a clear circumvention of Parliament, and therefore, should be kept in abeyance awaiting debate in and decision of both Houses of Parliament".

February 2012 "Report of the Task Force on an Aadhaar-Enabled Unified Payment Infrastructure for the direct transfer of subsidies on Kerosene, LPG and Fertiliser":

March 2012 Finger Print Authentication Report was submitted & published on the website.

Sep 2012 Iris Authentication Report was submitted and published on the website. The claims and premises in the report seem to be contrary to or at odds with observations in other empirical studies.

October 2012 Report of the "Group of Experts on Privacy", headed by Justice Ajit P. Shah was submitted. *Inter alia*, it highlighted the flaws in the UID scheme and the National Identification

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Authority of India Bill in relation to the Right
to Privacy.

2012-2013 Various reports & news items appeared highlighting how pilot projects linking various welfare schemes to UID has failed. Some of those are highlighted below.

- Results of DBT/ using UID for delivery are below-par in terms of both reach & efficiency
- It is observed that the roll-out is being done without doing proper pilots and proceeding without learning lessons.
- In many cases such as the MNREGA & the PDS it is causing utter confusion to the beneficiaries.
- As stated above, because the scheme requires 100% coverage to be effective, the system is far from being in place and is unlikely to ever be.
- It must also be pointed out that the scheme is implemented at huge financial costs and also a huge

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opportunity costs as administrations are spending much of their time trying to implement the scheme

- Many of the above programmes are already burdened with inefficiencies and the UID system does not remove those but adds to them.
- People are being excluded even without the UID being officially compulsory because of an unofficial mandate and a stated plan to roll it out in these programmes
- Only UID technology being used to the exclusion of other alternative technologies means that
 - It does not allow for logical experimentation or the use of best available technology;
 - It gives particular companies a big stake and locks government into a dependent relationship with one company/ producer.

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- It requires replacement of existing machines such as those used for smartcards, localized biometrics, etc
- It requires online authentication with higher costs including high speed internet connectivity in every part of the country
- Biometrics and iris scans are being used to change all systems of authentication/ identification without verifying its efficacy.
- Making UID mandatory for the Direct Transfer of Benefits and solving issues of financial exclusion by introducing Biometric based BC Model on a huge scale has proven to be a failure.

04.01.2013 Representation by Petitioner No.1, to the Hon'ble Finance Minister of India, requesting for a rethink on the implementation of AADHAR and the direct cash transfer scheme.

It is thus submitted, that due to the various flaws shown in the proposed UID system, the

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State should forthwith be restrained from implementing the UID project in absence of any statutory framework to protect the various fundamental rights of its citizens. Further in light of the various flaws in the implementation of the UID scheme which is linked to various other welfare schemes, the State should be restrained from proceeding with implementing any scheme that is likely to deprive the citizen of their fundamental rights. Moreover welfare schemes not linked to UID have been serving its purpose, wherein welfare benefits are easily accessible to several persons living below the poverty line comprising infants, children, women and the elderly. Thus the Government should be restrained from implementing the UID scheme which is linked to other social welfare schemes, in absence of any statutory framework where there is lack accountability.

7.8.2013

Therefore the present writ petition.

AMENDED CAUSE TITLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 833 OF 2013
(Under Article 32 of the Constitution of India)

IN THE MATTER OF:

1. Ms. Aruna Roy
Village and Post Tilonia
District Ajmer
Rajasthan 305816

2. Nikhil Dey
66 Defence Colony
6th Main, 1st Cross
Indiranagar
Bangalore – 560038

.....Petitioners

Versus

1. Union of India
Through Secretary
Ministry of Finance
Government of India, North Block
New Delhi – 110 001

2. Union of India
Through Secretary
Ministry of Home
North Block
New Delhi – 110 001

3. Planning Commission
Rep. by the Deputy Secretary
To Government of India
Yojana Bhawan, Sansad Marg
New Delhi – 110 001

4. Unique Identification Authority of India (UIDAI)
Rep. by its Director General & Mission Director
Planning Commission Government of India
3rd Floor, Tower II
Jeevan Bharati Building, Connaught Circus
New Delhi – 110001

*5. State of Andhra Pradesh,
Through it's Chief Secretary,
State Government Secretariat,
Hyderabad 500 001

*6. State of Assam,
Through it's Chief Secretary,
State Government Secretariat,
Zoo Narangi Road
Dispur, Guwahati (Assam)

- *7. State of Arunachal Pradesh,
Through it's Chief Secretary,
State Government Secretariat,
Itanagar 791 111.
- *8. State of Bihar,
Through it's Chief Secretary,
State Government Secretariat,
8, Circular Road
Patna (Bihar)
- *9. State of Chhattisgarh,
Through it's Chief Secretary,
State Government Secretariat,
Raipur (CH)
- *10. State of Gujarat,
Through its Chief Secretary
State Government Secretariat
Sector – 9, Gandhi Nagar, Gujarat
- *11. State of Goa
Through its Chief Secretary
State Government Secretariat
Panaji (Goa)
- *12. State of Haryana,
Through its Chief Secretary
State Government Secretariat
Sector – 7
Chandigarh (U.T.)
- *13. State of Himachal Pradesh,
Through its Chief Secretary
State Government Secretariat
Shimla (H.P.)
- *14. State of Jharkhand,
Through the Chief Secretary,
State Government Secretariat
Ranchi (Jharkhand)
- *15. State of Jammu & Kashmir,
Through its Chief Secretary
State Government Secretariat
Sonwar, Srinagar (J & K)
- *16. State of Karnataka,
Through its Chief Secretary
State Government Secretariat
Frazer Town
Bangalore 560 005
- *17. State of Kerala,
Through its Chief Secretary
State Government Secretariat
Jawahar Nagar
Thiruvanthapuram (Kerala)

- *18. State of Madhya Pradesh,
Through its Chief Secretary
State Government Secretariat
Swami Dayanand Marg
Bhopal (M.P.)
- *19. State of Maharashtra,
Through its Chief Secretary
State Government Secretariat
Gej. J. Bhosle Marg
Mumbai - 400 021
- *20. State of Manipur
Through its Chief Secretary
State Government Secretariat
Imphal-795001
- *21. State of Meghalaya,
Through its Chief Secretary
State Government Secretariat
Shiilong 793 001
- *22. State of Mizoram,
Through its Chief Secretary
State Government Secretariat
Aizwal
- *23. State of Nagaland,
Through its Chief Secretary
State Government Secretariat
- *24. State of Odisha,
Through its Chief Secretary
State Government Secretariat
Bhubaneshwar
- *25. State of Punjab,
Through its Chief Secretary
State Government Secretariat
Chandigarh
- *26. State of Rajasthan,
Through its Chief Secretary
State Government Secretariat
Jaipur
- *27. State of Sikkim,
Through its Chief Secretary
State Government Secretariat
Gangtok (Sikkim)
- *28. State of Tamil Nadu,
Through its Chief Secretary
State Government Secretariat
Chennai

- *29. State of Telangana,
Through its Chief Secretary
State Government Secretariat
Hyderabad
- *30. State of Tripura,
Through its Chief Secretary
State Government Secretariat
Agartala
- *31. State of Uttarakhand
Through its Chief Secretary
State Government Secretariat
Subhash Road
Dehradun – 248 001
- *32. State of Uttar Pradesh
Through its Chief Secretary
State Government Secretariat
Lucknow
- *33. State of West Bengal,
Through its Chief Secretary
State Government Secretariat
Kolkata-700 001.
- *34. Union Territory of Daman & Diu,
Through the Administrator
Union Territory of Daman & Diu,
Daman & Diu Administration,
- *35. Union Territory of Dadra & Nagar Haveli,
Through the Administrator ,
Union Territory of Dadra & Nagar Haveli,

Dadra & Nagar Haveli Administration

Silvassa.

- *36. State of NCT of Delhi
Through its Chief Secretary
State Government Secretariat
New Delhi – 110 001
- *37. Union Territory of Andaman & Nicobar,
Through the Administrator
Union Territory of Andaman & Nicobar,
Port Blair.
- *38. Union Territory of Lakshadweep,
Through the Administrator ,
Union Territory of Lakshadweep,
Lakshadweep Administration,
Kavaratti.
- *39. Union Territory of Chandigarh,
Through the Administrator ,
Union Territory of Chandigarh,
Chandigarh Administration

Chandigarh

*40. Union Territory of Puducherry
Through the Administrator
Union Territory of Puducherry
Puducherry Administration
Puducherry

...Respondents

*Respondent Nos. 5 to 40 have been impleaded as party Respondent in Writ Petition
vide this Court's Order dated 26.11.2013.

Sd/-
Assistant Registrar

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IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL WRIT PETITION NO. 833 OF 2013

(Under Article 32 of the Constitution of India)

IN THE MATTER OF: -

1 Ms. Aruna Roy
Village and Post Tilonia,
District Ajmer,
Rajasthan, 305816

Petitioner No 1

2 Nikhil Dey
66 Defence Colony,
6th Main, 1st Cross,
Indiranagar,
Bangalore-560038
Karnataka.

Petitioner No 2

Versus

1 Union of India
Through the Secretary Ministry of Finance,
Government of India, North Block
New Delhi - 110 001 RESPONDENT no1

2 Union of India
Through Secretary Ministry of Home,
North Block
New Delhi-110011 RESPONDENT no2

3 The Planning Commission,
Rep. by the Deputy Secretary
To Government of India,
Yojana Bhavan, Sansad Marg,
New Delhi - 1. RESPONDENT no3

4 The Unique Identification
Authority of India,
Rep. by its Director General
& Mission Director,
Planning Commission,
Government of India,
3rd Floor Tower-II,
Jeevan Bharati Building,
Connaught Circus,
New Delhi - 1 RESPONDENT no4

WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA

TO
THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS HON'BLE COMPANION JUDGES
OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED
MOST RESPECTFULLY SHOWETH:

1. Petitioners are filing the present Writ Petition being aggrieved by the government's decision to implement the Unique Identification Scheme (UID Scheme) under Unique Identification Development Authority of India (UIDAI), in its present form and in the absence of any statutory framework. The Petitioners are also aggrieved with the actions of the State, in linking various social welfare schemes to the UID Scheme dated April, 2010 in a manner that makes the enrolment to UID mandatory, thereby depriving many citizens their fundamental rights guaranteed under the Constitution. The petitioners submit that they have not approached this Hon'ble court or any other courts or any authorities seeking similar reliefs. The respondents herein has not passed any order.

2. Petitioner No.1 is a social worker and a recipient of the Ramon Magsaysay Award for her commendable service to the people, and for her skill in community leadership. She has dedicated her life in fighting for

the causes of the underprivileged and socially backward classes. She is currently a member of the National Advisory Council (NAC) and heads the Mazdoor Kisan Shakthi Sangathan (MKSS), which is an organization for the empowerment of workers and peasants. She was also a prominent member in the Right to Information movement.

3. Petitioner No. 2 is also a social worker and has been a part of many social causes. He has been a part of various movements which were responsible in implementing the Mahatma Gandhi National Employment Guarantee Act (MG NREGA), right to information, etc. He is also a member of MKSS and has been championing the implementation a food security scheme, which is currently pending before the Parliament in the form of the National Food Security Bill, 2010.

4. The ambitious unique identification project as conceived by the State is intended to provide identity for each resident across the country and would be used primarily as the basis for efficient delivery of welfare services. It would also act as a

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tool for effective monitoring of various programmes and schemes of the Government.

5. However, it is pertinent to state that in the garb of providing identification to each citizen, the State is collecting sensitive data from its citizens which include Bio-metric information of the individual, thereby infringing various fundamental rights of the individuals amongst them being the Right to Privacy.

6. Further, the collecting of sensitive data of its citizens by the State in absence of any legal framework and statutory safeguards puts the citizenry at risk at:-

a. A personal level by vesting in the State an unbridled power to profile its citizens and

At a National level by providing an opportunity to create fake identities. It is pertinent to point out that the Home Minister in January 2012 is believed to have opined that the way the UIDAI was collecting data was insecure and posed a national security threat and was useless to them.

The government has sought to implement various welfare schemes linked to the UID scheme, in few

districts as Pilot Projects. In 2012, various news paper articles along with survey reports published by various academics as well as NGOs brought to the notice of the public the failure of these pilot projects and the inherent flaws that were noticed in the scheme itself. Despite these flaws, and regular representations made by various economists, public spirited citizens, NGOs etc., the government is proceeding to implement the said schemes without considering the genuine representations and, in absence of any statutory scheme.

It is humbly submitted that by implementing the UID scheme which is linked to other welfare schemes and thereby, dismantling the functioning of existing welfare schemes, the government is depriving people of their basic rights: which include the Right to Food, Right to Education, Right to Employment, etc. It is humbly submitted that it is the fundamental duty of the state to provide for all basic human necessities and the failure to do so amounts to infringing a person's right to life guaranteed under Article 21 of the Constitution.

7. Therefore, the Petitioners are filing the present petition under Article 32 of the Constitution

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challenging the above 'Unique Identification Scheme' and the linking of various social welfare schemes to the UIDAI Project. The Petitioners are aggrieved by the high handed action of the State wherein by implementing the UID system in the present form and in a legal vacuum; it is potentially depriving a citizen of his/ her fundamental right at two stages.

Firstly, while implementing the project itself, there is a direct infringement on the various fundamental rights of a person because of the lack of data protection.

Secondly, due to the non-implementation or ineffective implementation of the UID by linking it with other social welfare benefit schemes, persons who are currently benefiting under such existing welfare schemes, run the risk of being excluded. Thereby a person's right guaranteed under Articles 14, 16, 21 and 21-A are again violated and would also amount to the State shirking its duties towards its citizens under Part IV of the Constitution.

Sequence of events leading to filing of the present petition is as follows:-

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a. On 28-01-2009, the Unique Identification Authority of India (UIDAI) was established in February 2009. It was a part of the Planning Commission and was established as an agency of the Government responsible for owning and implementing the AADHAAR scheme. According to this scheme, every citizen of India is entitled to enrol herself/himself with it and get a unique, randomly selected 12-digit number. For such enrolment, every person so intending would have to provide his/her personal information along with biometric details such as finger-prints and iris scan for future identification. Accordingly, a centralized database would be created under the UIDAI with all the above information.

It would be pertinent to mention that enrolment under the UIDAI scheme is on a purported voluntary basis. The harsh disqualification attached to non-enrolment, virtually makes enrolment compulsory. Therefore despite the claims that the UID is voluntary and a facilitator, it is being made compulsory under a threat of exclusion.

Therefore instead of being a promise of inclusion, it has become a threat of exclusion.

- b. In June 2009, Mr. Nandan Nilekani, former co-chairman of Infosys Technologies, was appointed as the first Chairman of the authority with Mr. R.S. Sharma, an IAS Officer of the Jharkhand Government, as the Director General and Mission Director of the Authority..
- c. The UIDAI started functioning as on 23.7.2009.
- d. A council headed by the Prime Minister's on UID, was constituted on 30.07.2009
- e. The first meeting of the Prime Minister's Council on UID authority was held on 12.08.09.
- f. In August 2009 , "Report of the Working Group of the Reserve Bank of India to review the Business Correspondent Model" documenting *inter alia*, the experience gained and inferences drawn in relation to the working of the Banking Correspondents, was published. A true copy of the relevant extract from the Report of the Working Group of the Reserve Bank of India to review the Business Correspondent Model"

dated nil is annexed as **Annexure P-1(Pages 47 to 51).**

g. A cabinet committee on the Unique Identification Authority of India vide order dated 22.10.2009 bearing no.1/11/6/2009 was constituted.

h. The Demographic Data Standards and Verification Procedure Committee submitted its report on 9.12.09.

i. In December 2009, the Biometrics Standards Committee submitted its report. The report itself stated two major problems: firstly the scaling of a database size as vast as fifty million to one billion has not been adequately analysed. Second the finger print quality the most important variable for determining accuracy, has not been studied in depth in the Indian context. The report pointed out that there is data to suggest that the quality and therefore the accuracy drops precipitously if attention is not given to operational processes. The report itself highlighted the apprehensions on technical factors that can impact accuracy more significantly. A true copy of the relevant

extract from a copy of the Biometrics Standards Committee's report dated nil is annexed as **Annexure P-2(Pages 52 to 59)**.

- j. In April 2010, the UIDAI released a UIDAI Strategic Overview document. A true copy of the relevant extract from a UIDAI Strategic Overview document report dated April 2010 is annexed as **Annexure P-3(Pages 60 to 68)**.

Under Chapter 5, the report itself acknowledges the imperative need to have a proper legal structure in place to ensure the smooth functioning of the UIDAI and further acknowledges at Chapter 9 various project risks of serious consequences, which are hereunder as follows:

- Adoption risks - There will have to be sufficient, early demand from residents for the UID number. Without critical mass among key demographic groups (the rural and the poor) the number will not be successful in the long term.
- Political risks - The UID project will require support from state governments across India. The project

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will also require sufficient support from individual government departments, especially in linking public services to the UID.

Enrolment risks - The project will have to be carefully designed to address risks of low enrolment, while managing difficulties in address verification, name standards, lack of information on date of birth, and hard to record fingerprints.

Risk of Scale - The project will have to handle records that approach one billion in number, which would create significant risks in biometric deduplication as well as in administration, storage, and continued expansion of infrastructure.

Technology Risk - Technology being a key part of the UID program, and this being the first time in the world that storage, authentication and deduplication of biometrics are being attempted on this scale. The authority

will have to address the risks carefully
- by choosing the right technology in
the architecture, biometrics, and data
management tools; managing
obsolescence and data quality.

Privacy and Security Risk - UIDAI will
have to ensure that resident data is
not shared or compromised.

Sustainability Risk- The economic
model for the UIDAI will have to be
designed to be sustainable in the long-
term, and ensure that the project can
adhere to the standards mandated by
the Authority.

Thus it is submitted once UIDAI, has
itself identified some of the many flaws of
the main parent project itself (UID),
which have not been addressed effectively
till date, utmost caution and restraint
should be exercised while implementing
any scheme, especially, one which would
affect the Right to Food of people, under
the UID project.

- k. On 30.06.2010, draft Bill of UIDAI was uploaded on the website.
- l. In Sept 2010, Aadhaar Enrolment began in September 2010. One of the objects of the entire project was non-duplication and elimination of fake identity cards, but reports and studies have proved otherwise.
- m. On 29-09-2010, UIDAI launched AADHAAR program in the tribal village, Tembhli, in Shahada, Nandurbar, Maharashtra on 29 September 2010.
- n. On 03.12.2010, National Identification Authority of India, Bill 2010, (NIAI) was introduced in the Rajya Sabha. A paper titled 'Experimental Evidence of a Template Aging Effect in Iris Biometrics' authored by Samuel P. Fenker, University of Notre Dame. This has been referred to as an example reference later in the Petition. A true copy of the paper report dated nil is annexed as **Annexure P-4(Pages 69 to 103)**.
- o. On 31.01. 2011, report by the Technology Advisory Group of Unique Projects, under the chairmanship of Mr. Nandan Nilekani, on

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National Information Utilities (NIU), was submitted, where it is proposed that the NIU would be a "private company with public purpose" and with "profit making as the motive but not profit maximizing."

P In February 2011, Inter-ministerial task force to streamline the subsidy distribution mechanism was set up.

Q In March 2011, in great haste and without waiting for the National Identification Authority of India Bill, 2010, to be passed by Parliament or without collection of any statistic on working of the AADHAR system, Aadhaar Enabled Payment System (AEPS) was introduced. AEPS is an Indian payment system developed by NPCI based on the UID number (Aadhaar number).

R In June 2011, the task force gave its Interim report, titled "Interim Report of the Task Force on Direct Transfer of Subsidies on Kerosene, LPG and Fertilizer"

S On 11-12-2011, Parliamentary Standing Committee on Finance rejected the National

Identification Authority of India Bill, 2010 in its present form. A true copy of the relevant recommendations from a copy of the 42nd Report of the Parliamentary Standing Committee on Finance annexed as **ANNEXURE P-5 (Pages/04 to/19)**.

The Parliament's Standing Committee on Finance while considering the Bill termed the project as directionless and conceptualised with no clarity of purpose. The committee also expressed its reservations on the technology used for the project calling it "untested, unproven, unreliable and unsafe".

The report mentions about the comment of Justice Dr. M. Rama Jois, MP (Rajya Sabha) in his representation addressed to the Chairman, Standing Committee on Finance. He "pointed out since the NIDAI Bill is pending for consideration before the Standing Committee on Finance, implementation of the provisions of the Bill, issue of aadhaar numbers and incurring expenditure from the exchequer by the Government is a clear circumvention of

Parliament, and therefore, should be kept in abeyance awaiting debate in and decision of both Houses of Parliament", and the same was accepted in its recommendations by the said Standing Committee.

T In February 2012, "Report of the Task Force on an Aadhaar-Enabled Unified Payment Infrastructure for the direct transfer of subsidies on Kerosene, LPG and Fertiliser".

U In March 2012, Finger Print Authentication Report was submitted.

V In September 2012, Iris Authentication Report was submitted. Report of the "Group of Experts on Privacy", headed by Justice Ajit P. Shah was submitted. *Inter alia*, it highlighted the flaws in the UID scheme and the National Identification Authority of India Bill in relation to the Right to Privacy. A true copy of the relevant extract from a copy of the Justice Ajit P. Shah's privacy Committee Report dated 16.10.2012 is annexed as **Annexure P-6(pages 120 to 132)**.

W Between 2012-2013, various reports and news items appeared in the National Press.

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highlighting how pilot projects trying to test DCT Scheme had failed and riddled with shortcomings. Many of these are discussed in detail below.

X On 04.01.2013, representation was sent by Petitioner No.1, to the Hon'ble Finance Minister of India, requesting for a rethink on the implementation of AADHAR and the direct cash transfer scheme. A copy of the representation of the letter dated 4.1.2013 is annexed as annexure **Annexure P-7** (Pages - 133 to 138).

It is thus submitted, that due to the various rights of the citizens being infringed and due to the inherent flaws in the Unique Identification Scheme and the linking of the UID scheme with other welfare schemes, the Government should be restrained from introducing the said scheme in its current form more so in the absence of any statutory framework.

8. The Petitioners are mainly aggrieved by the policy decision of the State, wherein the existing welfare system that is functioning for the benefit of the citizens is being replaced by the UID system which

is linked to other social welfare schemes. And the scheme is being made effectively mandatory. It is to be noted that such compulsion on people to part with their biometric and personal information is completely unconstitutional. Further it is not facilitator therefore needs to be evaluated differently as with any compulsory requirement.

9. Today, in India, the poorest of the poor and the economically backward, have been benefiting from the various social welfare schemes that the government has put in place. Such existing welfare schemes are sought to be with UID. The fact that the scheme is being imposed on people whose lives and livelihoods depend on some of the entitlements from these welfare programmes; and the added time and trouble and exclusion of even a few are sufficient grounds for challenge of this scheme.

10. One of the proposed methods of distribution under the UID Scheme which is linked to other welfare schemes is by way of Direct Cash Transfer (DCT). However, according to independent surveys done by various public spirited NGOs, the Direct Cash Transfer scheme is beset with the following

problems, and is not an answer to the problems faced. Few of the problems faced by the DCT Scheme are as follows: -

- a. That Cash Transfer does not take into account Inflation in the country, and cannot always be provided for.
- b. That people, especially women, apprehend that cash transferred as subsidy would be used for other things like alcohol etc. It has been recorded in news articles written on the basis of statistics collected by these NGOs that women in Delhi and Madhya Pradesh strongly opposed the idea of cash being transferred for the above reason.
- c. Transfer of cash would also mean dealing with private merchants in the village, which is also a problem in itself.
- d. Exercising of government discretion (in choosing who is poor) in transferring money raises the basic fear that the system may no longer remain public or open.
- e. The cash transfer systems of Brazil and Mexico are cited as examples to be followed. But it should be understood that only 5% of the

populations of both these countries are below the poverty line, whereas the Indian figure is 46%.

- f. Seventy per cent of India's population still lives in villages where few banking institutions are available. As many as 26,000 rural banks have downed their shutters since 1992, and commercial banks have shown no interest in social welfare schemes. That's why it's difficult to reach cash to village populations.

11. It is submitted that the Direct Cash Transfer to persons enrolled under UIDAI (AADHAR card holders) that is currently being run on pilot basis in certain districts and which is subsequently sought to be introduced across the country is fraught with danger and would deprive the poorest of poor in India, their basic rights amongst which include food and nutrition, the right to education, the right to employment, etc. amongst other fundamental rights and is elaborated in detail under the grounds taken in present Petition.

12. Most importantly, the ambitious UID project that would seek to link other social welfare schemes with the UID scheme is bereft of any legal

framework and is in direct violation of the principles enshrined in the Constitution, in particular those stated under Part III and IV.

13. It is also submitted that the UID "cash transfer Scheme" which purportedly claims to have a pious object, should not be implemented in a haste as vast sums of "tax payers" money is being invested impinging on the national GDP. The government has not collected sufficient data or have established the successful implementation of pilot projects, before launching a full-fledged project of this nature.

14. As noted earlier, numerous newspaper articles and studies show the huge amounts invested in UID project and the failure of various pilot projects. This being the case it would be wholly unjustified and unconstitutional, for the State to implement the cash transfer project in the absence of empirical data on the basis of which the project will be implemented. Some of those observations are that:

- a. System requires 100% coverage to be effective, and is therefore being rolled out on a large scale ignoring shortcomings. The results of DBT/ using UID for delivery have been

demonstrably below-par in terms of reach, efficiency. The roll-out is being done without doing proper pilots and proceeding without learning lessons. It is causing confusion among the beneficiaries and exclusion of many intended beneficiaries. Further, the system is far from being in place 100% and is unlikely to ever be so.

b. Even though not officially announced, roll out in large schemes is already in process. The scheme has caused confusion in large programmes such as MGNREGA, PDS, Pensions etc. 2. The above programmes are already burdened with inefficiencies. The UID system does not remove these inefficiencies but only adds to them. Also, it is widely observed that people are being excluded even without the UID being officially compulsory because of an unofficial mandate and a stated plan to roll it out in these programmes.

c. Only UID technology being used to the exclusion of other alternative technologies means that

- i. It does not allow for logical experimentation and use of best available or affordable technology.
 - ii. Particular companies are given a big stake and locks government into a dependent relationship with a few companies or producers or service providers.
 - iii. Existing machines such as those used for smartcards, localized biometrics, etc need to be replaced.
 - iv. It requires online authentication with higher costs including high speed internet connectivity in every part of the country.
- d. Biometrics and iris scans are being used to change all systems of authentication/identification without verifying its efficacy. It has to be kept in mind that both Finger-print and Iris authentication mechanisms have been found to be wanting for different segments of the population. It is to be pointed out that Biometric authentication on this scale has never been tried elsewhere. Further, There are

scientific reports questioning the uniqueness and constancy of biometrics including fingerprints and iris scans. (See for example a paper titled 'Experimental Evidence of a Template Aging Effect in Iris Biometrics' authored by Samuel P. Fenker, University of Notre Dame - 2011). Further, because of the potential failure of Biometric authentication in select cases, there is a necessity of a manual override and the same undermines the very basis with which Biometrics-based authentication was adopted. Further, the system marginalizes localized transparency and citizen based monitoring. Also, The system facilitates corruption in systems like MGNREGA by individualizing payment systems, taking them out of the public domain. Further, very few preliminary figures of de-duplication are released yet, and no action is reported to have been taken against anyone supposedly holding duplicate identities.

e. Centralized database system including the facilitation of connecting different silos of information is fraught with a number of issues. Firstly, there is no real advantage to

beneficiary, especially over localized databases and biometric systems. Secondly, Centralized data base does not allow for correction at a local level therefore makes the system far less responsive. Thirdly, there are grave dangers of connecting different silos of information which can be misused for anti-constitutional purposes. Fourthly, Data is being collected by private operators who have access to the database. Fifthly, It is being used as a justification for introducing secrecy clauses where as the need for all this information in one place has not been demonstrated to begin with. It is also worth pointing out here that, presently, there is no specific data protection law in the country and the system makes the individual transparent to the State while concealing information that has been gathered by the State from its own people - which is basically the diametric opposite of the "Right-to-Information".

Some of the facts in this regard are laid out herein. According to the January 2009 notification referred earlier, the UIDAI owns the

database. In 2009 Dec, a committee chaired by the director of NIC has said that biometric databases should be "national assets". In December 2011, the Parl. Standing committee recorded the submission of the NIC that all data collected as part of the UIDAI exercise should be held with the Government clearly suggesting that currently it is not held by the Govt but by an agency that operates entirely through outsourcing to a range of companies. The project was begun without any law governing the UIDAI and until civil society pressured the UIDAI to bind itself by a Law, the UIDAI persisted in asserting that the notification was sufficient legal authority for the UIDAI. On May 6, 2010, at a meeting convened in the Planning Commission, those present at the meeting raised a demand for a law which would delineate the structure of the UIDAI, the contours of the project and the protection that the law would make available to the citizen/resident. It was under this pressure that in Jun 2010, the draft legislation was placed on the website. The Bill was introduced

in the parliament on Dec 3rd 2010, which was roundly rejected by the Standing Committee of Finance by its 42nd Report. In the mean time, in 2010, Mr.Nilekani chaired a report (TAG-UP, see above) in which it was recommended that Govt data be handed over to a private company (National Information Utility) that would be set up for the purpose of managing or transacting on that data, and which would be private companies acting in the "public interest" and be "profit making" but not profit "maximizing". In Feb 2012, Finance minister inaugurated an adoption of the NIU in relation to the general sales tax. It is apprehended that the UIDAI data is also set to go in that same direction. i.e. a "profit making" private company. In the absence of law governing the UIDAI makes this a possibility - especially since this is a report that has been prepared under the chairperson himself.

- f. Making UID mandatory for the Direct Transfer of Benefits and solving issues of financial exclusion by introducing Biometric based "Banking Correspondents (BC)" model on a

huge scale. The banking system is inadequate and has not been able to expand to meet the current need of the small number of beneficiaries. At least 40% of the people do not have bank accounts. There are no banks in reaching distance for a number people, and brick and mortar banks have not spread to reach many rural areas, and banks do not entertain the urban poor. When UID promises financial inclusion, it is banking on the premise that identification is the primary problem around which financial inclusion solutions are to be centred. When this is expanded to cover programmes with a large number of beneficiaries such as NREGA and pensions, it is likely to result in huge exclusions and delays. This anticipated problem is now sought to be overcome through the appointment of 1 million banking/ business correspondents (BC) to reach the money to the poor. The BC can by design be anyone for example, a kirana storekeeper, a selfhelp group, or any individual who manages to get selected. To the extent that these are tried systems, they have not worked.

It is a system that will create middlemen and agents. The failure of the BC model has been documented by a 2009 report of the RBI. And there have been no studies since to demonstrate that this new experiment will show any other result. However, by rolling it out in order to make the UID based payment system viable, there will be huge costs to the state exchequer as well as the poor of this country. Add to this the problems of biometric identification and it becomes clear that it must be immediately dismantled if the poor are to receive their benefits. Thus, the Banking Correspondents model is riddled with a number of issues namely :-

- i. The lack of accountability of the BCs
- ii. Creating middle-men that may exploit the beneficiaries.
- iii. Technical problems with Biometric authentication and consequences.
- iv. Manual override in a closed system institutionalizes potential leakage and fraud. The net result is that one gets the worst of both worlds - the huge harm,

cost, and burden of new all encompassing authentication system and the inability to properly monitor the programme itself.

Further, no feasibility study of the model appears to have been done.

g. Further the design of using the UID to access existing cash benefits through the bank has only added an extra layer of complicated and complex procedures and has burdened both the programme as well as the beneficiary with little apparent advantage. As of now, this is being tested out in a miniscule number of schemes but plans appear to exist to impose it on the large delivery schemes such as MGNREGA, Rations and Pensions where it will never work and cause complete havoc. This is uncertain and untested technology and yet it is being made effectively compulsory. The experimentation is largely being done on the poor who can least afford to bear the failures in the experiment. The UID and the BC system require all programmes to be based on

them for them to be profitable. Therefore this has little to do with the assessment of the needs of the delivery system and almost entirely about the profitability of the BC system. It is reiterated that the only difference under the new scheme is the requirement of a mandatory UID number and biometric authentication for both the application process and for use each time they receive the exact same benefit they were receiving before - yet, any shortcoming in the process can result in beneficiaries losing their entitlement.

- h. Despite the effort to depict the UID scheme as a game changer, and deployment of huge resources and government machinery, the success rate has been dismal. This is despite the fact that the number of schemes taken up initially have been small and therefore should have been manageable. Even if biometrics were a 100% efficient and workable the Aadhaar based payment network will clearly take decades before it will cover its targeted beneficiaries. This is because enrolment is very slow, banking infrastructure is very poor and

the existing short-comings of the scheme are only compounded by the complications created by this new requirement. The chairperson of the UIDAI has also made a commitment that at most half the population would be covered by the UIDAI even if everything goes well. Yet, the proposal is to link everything to UIDAI much before that date.

- (i) While the DBT has so far only been officially tied to 38 schemes in 43 districts , in their enthusiasm to increase enrollment, many State governments have made the UID mandatory for many benefits and services including registration of marriages.

15. The Petitioners are thus aggrieved by the high handed action of the State wherein by implementing the UID system in the present form and in a legal vacuum; it is potentially depriving a citizen of his/her fundamental right at two stages.

1. Firstly, while implementing the project itself, there is a direct infringement on the various

fundamental rights of a person because of the lack of data protection.

2. Secondly, due to the non-implementation or ineffective implementation of the UID by linking it with other social welfare benefit schemes, persons who are currently benefiting under such existing welfare schemes, run the risk of being excluded. Thereby a person's right guaranteed under Articles 14, 16, 21 and 21-A are again violated and would also amount to the State shirking its duties towards its citizens under Part IV of the Constitution.

16. Thus the present Petitioners seek to challenge the implementation of the cash transfer scheme which seeks to replace the present Public Distribution System on the following grounds amongst others namely;-

GROUND

- A. For that UID, which seeks to consolidate the implementation of various welfare schemes that touch upon various fundamental rights of people, is being implemented without any statutory framework putting in jeopardy fundamental rights

guaranteed under Articles 14, 16, 19, 21 and 21-A of the people, and also, risking the security of the country.

B. For that the collection of sensitive data under the UID scheme is itself a violation of the Right to Privacy of an individual. The threat to this sacred right is only accentuated when such action is undertaken in the absence of any statutory framework.

C. For that the linking of UID has shown multiple inherent flaws, which make its efficient implementation, impossible. This is clear from the extremely dismal results of the various pilot projects, where UID was used to disperse benefits under various Welfare Schemes by the Direct Cash Transfer System. Therefore, linking UID to such Welfare Schemes means denying beneficiaries basic welfare benefits under Welfare Schemes, and thereby, infringing their fundamental rights. Some of the inherent flaws found in UID while implementing welfare schemes through UID are as follows: -

a. The proposed beneficiary has to ensure every time she/he seeks benefit of a welfare scheme that her/his biometric detail matches to the one given at the time of enrolment. It is submitted that this requirement of biometric identification test itself is flawed as Biometric Test is unreliable to identify a person. Many reports suggest that Finger prints are subject to constant change due to the aging of a person and the nature of work that is performed. Moreover, ridges and valleys, which make a finger print, in the case of a manual labourer are not easily readable due to the nature of work performed. Furthermore, Iris of persons is also subject to change due to age and if they develop various eye related problems such as cataract, the same is not identifiable in the test. Further, there are reports suggesting that uniqueness of fingerprint is different from the uniqueness of the captured fingerprint data and the latter cannot be

taken for granted as true even if the former is so.

- b. Therefore, there is grave threat and possibility of denying persons and their dependents their essential benefits.
- c. Thus UID would eventually lead to social exclusion rather than inclusion.
- d. Under a few schemes such as the Direct Cash Transfer System the disbursement is proposed to be made through outlets known as micro-ATMs (these are not machines but people who are appointed by UID for the purpose of disbursing money to people directly, who verify the details of a beneficiary on the basis of the UID). Upon verification of biometric and UID number, disbursements are made at these micro ATMs. However due to the inherent drawbacks in biometrics there is every likelihood that there would be no disbursement in the first place.

- e. Even if there is a remote possibility of such disbursement being made at micro-ATM, it would require an adult member of the BPL family to sacrifice a complete day's work to access the cash disbursement facility, which is far and widespread. The disabled and elderly would also be put to great hardship in accessing these mico-ATMs.
- f. It is submitted that countries such as the United Kingdom and the United States of America, have not adopted similar such identity project abandoning them after making a beginning. The Nation Identification Program in U.K., which commenced a roll out of identity cards in 2009, was abolished in 2010 citing high cost, impracticality and ungovernable breaches of privacy as reasons for cancellation of the NID project.

D. For that the lack of accountability in the absence of a statutory framework, under the UID scheme, puts the nation at great security risk, as fake identities can be created and used in terrorist activities amongst other things. It is submitted that the data

owned by the UIDAI is being handled by companies close to the CIA etc. It is submitted that in a response to a related RTI query, it has been stated that there are no means of knowing the origin of the company.

E. For that the collection of Biometric details is in clear violation of right to privacy. It is humbly submitted despite all assurances about protection of sensitive information on mass scale, it must be acknowledged that any database that stocks up such personal information, brings with the risk of misuse by various agencies be it public or private, impinging on an individual's privacy. The centralised Data base without any strict safe guard system would be misused by hackers to the detriment of the individual concerned. The tall claim that UID cannot be stolen, forged, duplicated or lost is only a myth. So the UID system could spell a lot of problems with regard to the privacy of an individual especial in the light of the fact that the UID system is not being limited by any strict law. The danger of an identity fraud is clear and present.

F. For that the linking of various welfare schemes with the UID scheme has the potential of depriving a citizen of the following rights due to the non-implementation or ineffective implementation, namely:-

1. The right to food which is being guaranteed under the present public distribution system, which is not linked to UID, would be infringed due to the non-implementation or ineffective implementation of UID system linked with the direct cash transfer scheme.
2. The right to employment could be deprived due to the non-implementation or ineffective implementation of UID system linked with schemes such as MG NEREGA.
3. The right to employment could be deprived due to the non-implementation or ineffective implementation of UID system, when the State insists on an UID number to give such person employment.
4. The right to education guaranteed under Article 21-A to children can be infringed if a child below the age of 14 does not possess a UID number and the State insist on the same, which would solely

be attributable non-implementation or ineffective implementation of UID system

5. The State would be shirking in fulfilling its duties under Part IV of the Constitution, if the beneficiaries of a social welfare scheme are deprived of the same only on the ground of non-implementation or ineffective implementation of UID system.

6. Personal liberties of persons are infringed when the State refuses to perform certain acts, such as registration of marriages, etc due to the want of a UID registration.

G. For that internationally, there is growing concern about privacy and its protection. Even in the United States, privacy law categorically states that the Federal, state or Govt. agencies cannot deny benefits to the individual who does not possess or refuse to disclose their social security data, unless specifically required by law. By the launching of UIDAI scheme, with the integration of database, the

state would have enormous power to track people's movements or to profile them which amounts to a blatant violation of right to privacy.

H. For the fact that, by linking various welfare schemes to the UID project the scheme no longer remains to be voluntarily due to the strong disqualifications attached.

I. In fact UIDAI has been on an enrolling spree since September 2010 without any law being sanctioned by the parliament .At the cost of repetition its is stated that the collection of biometrical and personal data and issuing of UID do not have any statutory sanction.

J. For that Article 73 of the Constitution delineates the extent of executive power of the Union and describes it as extending to matters with respect to which Parliament has power to make laws. While the executive power of the Union, and of the States, is co-extensive with the legislative power of the Union and the States, there are certain limits of the power on the executive. Parliament, or the legislatures, should not be rendered redundant, in

the exercise of executive power. Further it must be highlighted that the proviso to Article 73 that limits the Union executive power in matters relating to List III entries of Schedule 7 to those powers that have been "expressly" granted by a law made by the Parliament. Evidently, the UIDAI exercises its power in matters relating to Entry 20 ("Economic & Social Planning"), Entry 23 ("Social Security") and Entry 45 ("Inquiries and statistics for the purposes of any of the matters specified in List II or List III") of List III of Schedule 7 of the Constitution. Therefore, it is submitted, the Executive lacks the inherent power to carry on with the project.

K. For that the implementation of the UID scheme and the further linking of the UID scheme with various social welfare schemes should be resisted till such time a statutory framework is put in place, thereby ensuring the citizens are not deprived of their fundamental rights.

L. For that the implementation of the UID scheme and the further linking of the UID scheme with various social welfare schemes should be resisted as they have not passed muster in the pilot tests.

M. For that the present experimentation, would undoubtedly result in social exclusion by depriving persons of the fundamental rights and also putting at stake vast sums of tax payer's money.

N. The petitioners submit that they have not approached this Hon'ble court or any other courts or any authorities seeking similar reliefs.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to forthwith:

- (i). Issue a writ, order or direction in the nature of a mandamus declaring the implementation of the UID scheme dated April 2010 in its present form as violating the fundamental rights of citizens and hence illegal and unconstitutional;
- (ii) Issue a writ, order or direction restraining the Respondents no 4 from implementing the Unique Identification Authority of India (UIDAI) till such time a statutory framework with adequate safeguards which adequately protects the various fundamental rights of the citizens is put in place;

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- (iii) Direct the Central / State Governments to continue with the existing social welfare schemes and not to link it the same with UID till the disposal of the present writ petition;
- (iv) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, justice, equity and good conscience.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS SHALL ALWAYS BE OBLIGED.

FILED BY

VIJAY KUMAR
ADVOCATE FOR THE PETITIONERS

PLACE: New Delhi
DRAWN on 31.7.2013
DATED: 7.8.2013

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2013
IN THE MATTER OF :-

Ms. Aruna Roy & ors.

....Petitioner

Versus

Union of India & Anr.

.....Respondents

AFFIDAVIT

I, Nikhil Dey s/o Partha Kumar Dey, Age 50 years, R/o 66 Defence Colony, 6th Main 1st Cross, Indiranagar, Bangalore - 560038 presently at 278, Hauz Khas Apartments, Aurbindo Marg, Hauz Khas, New Delhi - 110016 do hereby solemnly affirm and sincerely state as follows.

- 1) That I am the 2nd Petitioner in above mentioned petition and as such I am fully conversant with the facts of the case and therefore competent to depose as hereunder. I am filing this Affidavit on behalf of other petitioners also.
- 2) That I have read through the accompanying Writ Petition from paras 1 to at pages 1 to 44 and Synopsis and List of Dates from Pages B to BB and Application for Direction and all other misc. applications and have understood the contents thereof. I state that the facts contained therein are true to the best of my knowledge and belief.
- 3) That the annexures are true and correct copies of their respective originals.
- 4) That the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

Nikhil Dey
DEPONENT

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VERIFICATION

I, the above named deponent do hereby solemnly affirm and verify that the contents of the aforesaid affidavit are true and correct are true to the best of my knowledge and belief.

Verified at New Delhi on this the 31st day of ~~April~~^{July}, 2013

Nikhil Dey
DEPONENT

ANNP-1
H7

**REPORT OF THE WORKING
GROUP TO REVIEW THE BUSINESS
CORRESPONDENT MODEL**



**RESERVE BANK OF
INDIA AUGUST
2009**

SECTION III

EXPERIENCE GAINED SO FAR AND INFERENCES DRAWN

3.1 The Working Group sought information from banks as well as stakeholders with regard to the experience in using BCs as agents of banks. The response received has been varied. Although a variety of entities/ individuals have been permitted by the Reserve Bank to act as BCs, only a few have actually been so engaged.

3.2 Information was sought from banks regarding the number of BCs employed by them and the number of no-frills accounts opened through the BC model. The data received is presented in **Annex I**. It may be seen that while some public sector banks and a few private sector banks have experimented with the model, none of the foreign banks have done so. Overall, the data reveals that out of 50 public sector and private sector banks, only 26 banks have so far reported appointing BCs, through which 88.60 lakh no-frills accounts have been opened as on March 31, 2009. The number of accounts opened forms only 26.82 per cent of the no-frills accounts reported to be opened by banks so far. Most of the banks that have employed BCs have appointed Section 25 companies/ Trusts/ Societies as BCs. Further, almost all the Section 25 companies appointed as BCs have been floated by the technology service providers who had provided the smart card or biometric solutions for account openings, etc.

3.3 The Group also attempted to gather some details of field level feedback regarding the BC model, based on experience of the various banks. The same are presented in **Annex II**.

Issues highlighted

3.4 The Working Group, through its interactions with various stakeholders, was apprised of various issues which have arisen during the implementation of the BC model. These are presented in the following paragraphs.

(i) Cash handling

3.5 As almost all BC transactions are cash based, the flow of cash with BCs has been highlighted as the biggest issue. Besides the logistics of handling large volumes of cash, it leads to increased costs and added operational risks. These assume greater importance in the context of the North Eastern region of the

country, on account of higher security risks, vast and difficult terrain and poor connectivity.

(ii) Client Profile

3.6 Beneficiaries of BC services are mostly illiterate and susceptible to misguidance. Further, at times, clients tend to perceive the BCs themselves as banks and as not functioning on behalf of the banks.

3.7 Lack of proper financial education of the clientele was a barrier to the effective utilisation of the banking facility provided to the clients through the BC model.

(iii) Viability issues

3.8 The viability of the BC model has remained the most critical issue which has led to the model not taking off as envisaged. There have been various factors which have contributed to this issue. A majority of no-frill accounts opened by BCs have remained non-operational. As such, opening of the accounts to provide deposit services to begin with and subsequently widen the coverage of activities, with a view to making these accounts profitable, have not made the desired progress. Retaining customers after the initial transactions proves to be a big challenge. The Group has received feedback that there is a mismatch between the revenues earned and costs incurred while undertaking the BC operations, resulting in non-viability of the model.

3.9 It has been reported that banks charge interest to BCs for the temporary accommodation/overdraft provided

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by banks to them. This adds to the operating costs of the BCs. Moreover, the insurance costs as well as security costs for the cash-in-transit are also passed on to the BCs, which affect their viability.

3.10 Where the BCs have to cover large distances, the transport cost often becomes prohibitive. Further, where power supply is a problem, the BCs have to move with generator kits/ batteries.

3.11 The commission paid by banks to the BCs is not considered adequate for a viable business model. There are costs involved in staff salaries, trainings, etc for which the current compensation structure is not generally adequate. A majority of BCs have reported losses and some of them have even suspended their operations.

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UIDAI

Unique Identification Authority of India

Planning

Commission,

Yojana Bhavan,

Sansad Marg,

New Delhi 110001

Biometrics Design Standards For

UID Applications

Version 1.0

December 2009

Prepared by: UIDAI Committee on Biometrics

CONTENTS

1. Executive Summary

The Unique Identification Authority of India (UIDAI)

was set up by the Govt. of India on 28 January 2009.

The purpose of the UIDAI is to issue Unique Identification numbers to all residents in the country.

The Authority set up a Biometrics Standards Committee in order to frame biometrics standards for use by the UIDAI and its partners. The first deliverable of the Committee was to frame biometric standards based on existing national and international standards, with the consensus of various government stakeholders. The second deliverable was to recommend appropriate biometrics parameters to achieve the UIDAI's mandate. The second goal of the Committee encompasses best practices, expected accuracy, interoperability, conformity and performance in biometrics standards.

After reviewing international standards and current national recommendations, the Committee concluded that the ISO 19794 series of biometrics standards for fingerprints, face and iris set by the International Standards Organization are the most suitable. These standards are widely accepted, and best embody

previous experiences of the US and Europe with biometrics. The standards framed for the UIDAI are accordingly, fully compliant with the respective ISO standards, and are given in Sections 7 through 11.

The Committee notes that Face is the most commonly captured biometric, and frequently used in manual checking. However, stand-alone, automatic face recognition does not provide a high level of accuracy, and can only be used to supplement a primary biometric modality. Fingerprinting, the oldest biometric technology, has the largest market share of all biometrics modalities globally. The fingerprint industry also has a variety of suppliers and a base of experienced professionals necessary to implement the unique identity management solution at the scale that India requires. Based on these factors, the Committee recognises that a fingerprints-based biometric system shall be at the core of the UIDAI's de-duplication efforts.

The Committee however, is also conscious of the fact that de-duplication of the magnitude required by the UIDAI has never been implemented in the world. In the global context, a de-duplication accuracy of 99%

has been achieved so far, using good quality fingerprints against a database of up to fifty million. Two factors however, raise uncertainty about the accuracy that can be achieved through fingerprints. First, retaining efficacy while scaling the database size from fifty million to a billion has not been adequately analyzed. Second, fingerprint quality, the most important variable for determining de-duplication accuracy, has not been studied in depth in the Indian context.

The Committee therefore held extensive meetings and discussions with international experts and technology suppliers. A technical sub-group was also formed to collect Indian fingerprints and analyze quality. Over 250,000 fingerprint images from 25,000 persons were sourced from districts of Delhi, UP, Bihar and Orissa. Nearly all the images were from rural regions, and were collected by different agencies using different capture devices, and through different operational processes. The analysis reported in Section 12.4 and the associated Annexure show that the UIDAI could obtain fingerprint quality as good as seen in developed countries, provided that proper operational procedures are followed and good quality devices are used. On the

other hand there is data to suggest that quality and therefore the accuracy drops precipitously if attention is not given to operational processes.

The demographic data (non-biometric data) is also used for improving de-duplication processes. It reduces the amount of manual labor required to establish genuine duplicates from a possible list of duplicate matches.

Further, it has also been observed that Iris, which for a long period of time was under the proprietary domain, is emerging as an important biometric modality after fingerprint and face. The accuracy and speed of iris-based systems currently deployed is promising and may be feasible in large-scale de-duplication systems.

Finally, it is possible to combine multiple biometric modalities including multiple fingerprints to increase overall de-duplication accuracy.

Recommendations

Based on the above deliberations, the Committee makes the following principal recommendations:

1. The Committee expects that the UIDAI could achieve at least 95% de-duplication accuracy using moderately good fingerprint images for a database size of 1 billion. Empirical image quality data of

Indian ground conditions clearly show that such accuracy is achievable. In the global context, a de-duplication accuracy of 99% has been demonstrated to be achievable using good quality fingerprints against a database of up to fifty million.

2. In order to capture moderately good fingerprint images, a few simple but critical techniques during enrolment should be consistently followed, failing which material reduction in accuracy would occur. Manual and automated monitoring should be utilized to ensure consistent use of good enrolment practices.
3. In view of the above, the Committee feels that the UIDAI should collect photograph and ten fingerprints as per ISO standards described in Sections 8, 9 and 10.
4. Biometrics data are national assets and must be preserved in their original quality.

In other words, quality must not be compromised through lossy image compression during storage or transmission.
5. While 10 finger biometric and photographs can ensure de-duplication accuracy higher than 95%

depending upon quality of data collection, there may be a need to improve the accuracy and also create higher confidence level in the de-duplication process. Iris biometric technology, as explained above, is an additional emerging technology for which the Committee has defined standards. It is possible to improve de-duplication accuracy by incorporating iris. Accuracy as high as 99% for iris has been achieved using Western data. However, in the absence of empirical Indian data, it is not possible for the Committee to precisely predict the improvement in the accuracy of de-duplication due to the fusion of fingerprint and iris scores. The UIDAI can consider the use of a third biometric in iris, if they feel it is required for the Unique ID project.

6. A scheme must be designed to reward enrolling agencies for the capture of good quality images.
7. Specific best practices indicated in Section 12 should be observed in order to ensure interoperability, vendor independence, conformance to standards and improved performance.
8. The UIDAI along with other stakeholders should establish center(s) for on-going biometrics research, and provide reference implementation of

enrolment process software designed for Indian conditions....

.....

10 Tailoring of Minutiae Format Standard

UID Minutiae Format Standard will adopt the ISO/IEC 19794-2 Minutiae Format Standard as the Indian Standard and specify certain implementation values (tailoring) and best practices.

10.1 Section 7.4.1.3 Impression Type

For enrolment image, only code² 0 or 9 will be used. Authentication impression can be of type 0, 1, 8 or 9.

10.2 Section 7.5 Extended Data

While the extended data area allows for the inclusion of proprietary data within the minutiae format, this is not indented to allow for alternate representation of data that can be represented in open manner, as defined in ISO/IEC 19794-2. In particular, ridge count data, core and delta data or zonal quality information shall not be represented in proprietary manner to the exclusion of publicly defined data formats.

The UID authentication process will not utilize extended data area for verification.

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UIDAI STRATEGY OVERVIEW

CREATING A UNIQUE IDENTITY NUMBER FOR EVERY RESIDENT IN INDIA

Unique Identification Authority of India (UIDAI) Planning
Commission, Govt. of India

April, 2010

Legal Framework

The Constitution of India, through the Directive Principles of State Policy⁵ mandates that the state shall strive to minimize inequalities of income and endeavor to eliminate inequalities in status amongst individuals. The objective of the UIDAI is to solve the key problem of identity that individuals face and enable better and efficient delivery of services to the poor and marginalized so as to eliminate inequalities of income and status. It is therefore, imperative to have a proper legal structure in place to ensure the smooth functioning of the UIDAI. This section provides an overview of the legal and policy framework.

The Unique Identification Authority of India (UIDAI) will be set up as a statutory body by an Act of Parliament. The UIDAI will be authorized:

- o To collect the following identity information from any person voluntarily seeking a unique identity number:
 - Name
 - Date of Birth
 - Gender
 - Father's name and UID number
 - Mother's name and UID number
 - Address
 - All ten finger prints, photograph and both iris scans

The law will contain a prescription against collecting any other information than the information permitted, with specific prohibitions against collection of information regarding religion, race, ethnicity, caste and other similar matters, and for the facilitation of analysis of the data for anyone or to engage in profiling or any similar activity.

- o To issue a unique identity number to the person who has provided the necessary information and fulfilled the requirements as laid down in rules prescribed by the UIDAI.
- o To verify the identity of any person at the time of the provision of information, the issuance of a unique identity number or at any other time per the UIDAI database or other possible means, as laid down in rules prescribed by the UIDAI.
- o To permit the UIDAI to set up or facilitate the infrastructure by which third parties can authenticate the identity of persons who have provided information to the UIDAI and the circumstances and conditions they can seek such verification. The information on the database will be used only to authenticate identity.
- o To establish or appoint a Central ID Data Repository (CIDR) for the purposes of collecting, managing and

securing the database and to outsource any such functions.

- o To permit the appointment of Registrars in accordance with criteria laid down by the UIDAI to enrol people that seek unique identity numbers directly or indirectly through enrolling agencies.
- o To allow for the appointment of other service providers in accordance with criteria laid down by the UIDAI, as the UIDAI may deem fit to further its objectives and to ensure efficiency.
- o To call for information and records, conduct inspections, inquiries and audit of the CIDR, Registrars, enrolling agencies and service providers..
- o To enter into all necessary contracts and arrangements in order to fulfill the objectives of the UIDAI.
- o To set up mechanisms for grievance redressal for the public
- o To set up a monitoring framework to improve implementation, create safeguards as required and study the impact of the UID
- o To hire the necessary technical and professional personnel necessary for executing the mandate and fulfill the objectives of the UIDAI.

The law will also contain

- o Penal provisions against persons employed by, or associated directly or indirectly with, the CIDR, Registrars, enrolling agencies and other service providers for failing to comply with the directions issued under the Act
- o Penal provisions against persons employed by, or associated directly or indirectly with the UIDAI, CIDR, Registrars, enrolling agencies and other service providers for breach of certain key sections of the legislation - including the specific prohibitions on profiling, the disclosure of information and maintenance of confidentiality etc.
- o Penal provision for persons who intentionally or fraudulently provide wrong information, attempt to obtain a second unique identity number, steal the identity of any living or dead person, etc. In this context, there will be no liability on the part of the UIDAI or persons employed by, or associated directly or indirectly with the UIDAI, CIDR, Registrars, enrolling agencies and other service providers for providing a unique identity number to a person who intentionally or fraudulently obtains such number.

Protecting privacy and confidentiality

The information that the UIDAI is seeking is already available with several agencies (public and private) in the country, the additional information being sought by the UIDAI are the finger prints and iris scans. However, the UIDAI recognizes that the right of privacy must be protected, and that people are sensitive to the idea of giving out their personal information, particularly the idea of information being stored in a central database to be used for authentication. UIDAI will protect the right to privacy of the person seeking the unique identity number. The information on the database will be used only to authenticate identity. Necessary provisions would be in place to address the issues of privacy and confidentiality.

Offences under the UIDAI Act

The UID database will be susceptible to attacks and leaks at various levels. The UIDAI must have enough teeth to be able to address and deal with these issues effectively. It will be an offence under the UIDAI Act to engage in the following activities:

- Unauthorized disclosure of information by anyone in the UIDAI, Registrar or the Enrolling agency
- Disclosure of information violating the protocols set in place by the UIDAI

- Sharing any of the data on the database with anyone.
- Engaging in or facilitating analysis of the data for anyone.
- Engaging in or facilitating profiling of any nature for anyone or providing information for profiling of any nature for anyone.
- All offences under the Information Technology Act shall be deemed to be offences under the UIDAI if directed against the UIDAI or its database.

Project Risk

The UID project does face certain risks in its implementation, which have to be addressed through its architecture and the design of its incentives. Some of these risks include:

- 1) **Adoption risks:** There will have to be sufficient, early demand from residents for the UID number. Without critical mass among key demographic groups (the rural and the poor) the number will not be successful in the long term. To ensure this, the UIDAI will have to model de-duplication and authentication to be both effective and viable for participating agencies and service providers.
- 2) **Political risks:** The UID project will require support from state governments across India.

The project will also require sufficient support from individual government departments, especially in

linking public services to the UID, and from service providers joining as Registrars.

- 3) **Enrolment risks:** The project will have to be carefully designed to address risks of low enrolment – such as creating sufficient touch points in rural areas, enabling and motivating Registrars, ensuring that documentary requirements don't derail enrolment in disadvantaged communities – as well as managing difficulties in address verification, name standards, lack of information on date of birth, and hard to record fingerprints.
- 4) **Risks of scale:** The project will have to handle records that approach one billion in number.

This creates significant risks in biometric de-duplication as well as in administration, storage, and continued expansion of infrastructure.
- 5) **Technology risks:** Technology is a key part of the UID program, and this is the first time in the world that storage, authentication and de-duplication of biometrics are being attempted on this scale. The authority will have to address the risks carefully – by choosing the right technology in the architecture, biometrics, and data management tools; managing obsolescence and data quality; designing the transaction services model and innovating towards the best possible result.

- 6) **Privacy and security risks:** The UIDAI will have to ensure that resident data is not shared or compromised.
- 7) **Sustainability risks:** The economic model for the UIDAI will have to be designed to be sustainable in the long-term, and ensure that the project can adhere to the standards mandated by the Authority.

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Experimental Evidence of a Template Aging Effect in Iris Biometrics

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Abstract

It has been widely accepted that iris biometric systems are not subject to a template aging effect. Baker et al. [1] recently presented the first published

evidence of a template aging effect, using images acquired from 2004 through 2008 with an LG 2200 iris imaging system, representing a total of 13 subjects (26 irises). We report on a template aging study

involving two different iris recognition algorithms, a larger number of subjects (43), a more modern imaging system (LG 4000), and over a shorter time-lapse (2 years). We also investigate the degree to which the template aging effect may be related to pupil dilation and/or contact lenses. We find evidence of a template aging effect, resulting in an increase in match hamming distance and false reject rate.

1. Introduction

The assumption that the appearance of the iris is stable throughout a person's lifetime has been accepted by the research community since the

beginnings of iris biometric research. Daugman's statement, "As an internal (yet externally visible) organ of the eye, the iris is well protected and stable over time" [2], has been echoed in similar form in many publications [5-9]. In this paper we report results of an experiment similar to that of Baker *et al.* [1] designed to test whether a template aging effect occurs in iris biometrics.

It is important to make a distinction between the terms "template aging effect" and "iris aging effect." A template aging effect occurs when the quality of the match between an enrolled biometric sample and a sample to be verified degrades

with increased elapsed time between the two samples. In our experiment, we test for the presence of a template aging effect over an approximately two-year time lapse, and find that one does exist. An "iris aging effect," on the other hand, would be some definite change in the iris texture pattern due to human aging. An iris aging effect would generally imply a template aging effect in the field of iris biometrics. However, observing a template aging effect would not necessarily imply that an iris aging effect

exists. For example, if the average pupil dilation changes over time, this might affect the observed iris texture in a way that causes, at least partially, a template aging effect. We explore the possibility of a template aging effect both including and independent of dilation as well as several other factors.

1.1. Related work

Baker *et al.* [1] present evidence of a significant effect of time-lapse between images on iris recognition. Their experiments used images taken by an LG 2200 camera [3]

from data acquisitions in 2004 through 2008, acquired approximately weekly throughout the semester. The dataset used in their experiments contains images from only 13 different subjects, or only 26 irises. They use statistical tests on the means of their Hamming distance distributions to make their analyses, but do not present false reject rates over a range of feasible decision thresholds. The LG 2200, which at the time of their data acquisition may have been considered a state-of-the-art system, is no longer marketed. Also, because of the technology used in the

system, as Bowyer and Flynn [14] document, there is a possibility of interlace artifacts in the images taken if there is significant subject motion during image acquisition.

Our experiments improve on these aspects of the report by Baker *et al.* [1]. We test our data on two different segmentation and matching algorithms. We use an LG 4000 system which is currently state-of-the-art and is based on more modern technology than the LG 2200. Our dataset contains over three times the number of subjects as that of [1]. We present the false reject rates at a fractional Hamming Distance decision threshold

ranging from 0.28 to 0.34 and VeriEye match scores between 30 and 120. We also use statistical tests analogous to their methods and compare images with approximately two years time-lapse rather than four.

Finally, we treat other possible factors for degradation of match quality in a different manner than Baker *et al.* [1]. In their work, they reported no correlation between the mean change in hamming distance from short to long time-lapse and the mean change in dilation difference of

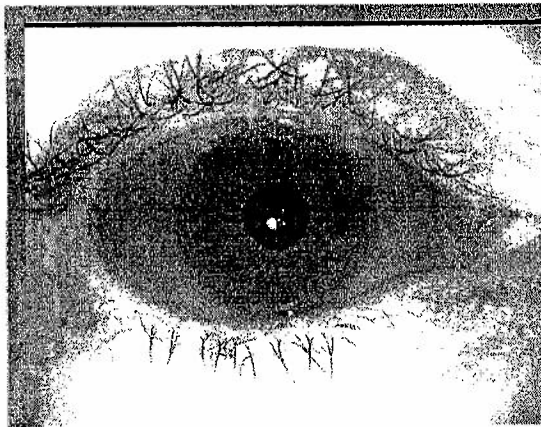


Figure 1: Subject 02463
enrollment image from 2008.

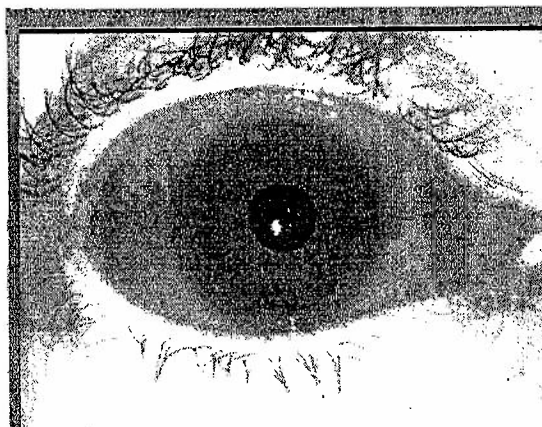


Figure 2: Subject 02463
verification image from 2008.
The short time-lapse
comparison with the image in

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Figure 1 resulted in a
normalized HD of -0.0126378
and a VeriEye match score of
933.

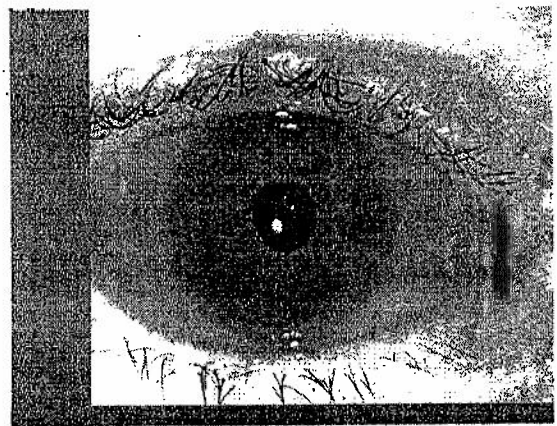


Figure 3: Subject 02463
verification image from 2010.
The long time-lapse comparison
with the image in Figure 1
resulted in a normalized HD of
 0.0447158 and a VeriEye match
score of 775.

match comparisons from short to long time lapse. Instead of looking at correlation between dilation difference and hamming distance, we screen for dilation difference by analyzing a subset of images with small dilation difference. Baker *et al.* also cite the effects of contact lenses on the match distribution, but simply report the number of subjects with or without contacts. We analyze a subset of images containing only those subjects who did not wear contacts in any session.

2. Experimental

Materials

The images used in this experiment were all acquired using the same LG 4000, in the same laboratory, following the same image acquisition procedure. Images from 43 participants, or 86 irises, were used. Of these subjects, 22 were male and 21 were female, and 39 were Caucasian, 2 were Asian, 1 was Hispanic, and 1 did not provide information on ethnicity. The ages of subjects ranged from 21 to 63 years as of 2010, with an average of 31. Images were taken approximately weekly during 6 sessions in the spring semester of 2008 and approximately

biweekly during 4 sessions in the spring semester of 2010. Of 1830 total images, 1042 were acquired in 2008 and 788 in 2010.

We use two different iris recognition systems. The first is our own implementation of software based on IrisBEE [16], using a Canny edge detector, Hough transform, and 1-D log-Gabor filters to segment and then analyze the texture of the iris. The software also contains improvements described in [17,18]. The second software implementation is the VeriEye SDK, developed by Neurotechnology [19].

The calculation of the accuracy of a comparison of two iris images differs between the two algorithms. IrisBEE generates fractional Hamming distances (HDs), which range from 0 to 1, with 0 being a perfect match. VeriEye generates a match score ranging from 0 to 3235, with 3235 being a perfect match and 0 being a non-match comparison.

3. Experimental

Method

We define a long time-lapse comparison as a comparison between one image from 2008 and one from 2010. A short

time-lapse comparison is a comparison between two images from the same year. Images of the same iris taken on the same day are not compared against each other. The dates of acquisition are such that the short time-lapse comparisons range from 5 to 51 days apart, and the long time-lapse comparisons range from 665 to 737 days apart.

3.1. Analysis of false

reject rates

The image dataset is analyzed to generate match and non-match distributions for both the short time-lapse case and the long time-lapse case. For each subset described below, there are N_1 comparisons in the match distribution for the short time-lapse case and N_2 comparisons in the match distribution for the long time-lapse case. There are N_3 comparisons in the non-match distribution for the short time-lapse case and N_4 comparisons in the non-match distribution for the long time-lapse case. These four values can be found

in Table

1. We calculate the false reject rates for the two different match distributions over a range of possible decision threshold values. These false reject rates are tabulated to show their difference between the short time-lapse case and the long time-lapse case.

3.2. Screening on difference in pupil dilation

The degree of dilation of an eye affects the distribution of match scores [11, 15]. A comparison of two images of high dilation ratios produces a higher HD than a comparison of two images of small dilation ratios. A

comparison of two images of large delta, or difference in dilation, will have a higher HD than that of small delta. We create a subset of the original set of data, eliminating comparisons with a delta greater than 0.1. In the small delta subset, three iris subjects were eliminated due to a lack of long time-lapse comparisons within the subject, leaving this subset with 83, rather than 86, iris subjects.

While it may be possible to control for dilation during enrollment, it is likely impractical to attempt to control this during verification. Analyzing a subset of matches that correspond to only those

with small difference in dilation does not correspond to actual operation of any iris biometric system that we are aware of. Nor are we proposing that this is a practical restriction to enforce for typical applications. Our goal is simply to investigate the degree to which a change in the difference in pupil dilation may be involved in the template aging effect.

3.3. Screening on presence of contact lenses

Contact lenses have been shown to degrade match quality [12]. In our dataset, 29 subjects did not wear contacts in any session. Nine wore contacts in

all participating sessions for both years, two of which changed contact type between years. Five subjects wore contacts in some sessions but not others. We also analyze subsets of the previously mentioned datasets with only those subjects who did not wear contacts in any session. We note in this case also that it would be difficult in a real-world implementation of an iris recognition system to control for the presence of contact lenses.

Table 1: Match and non-match comparison counts.

	Short Matches	Long Matches	Short Non-matches	Long Non-matches
Original	8631	9837	673640	811259
Small Delta	8443	7769	418573	485019
No Contacts	6432	7326	337225	400131
No Contacts, Small Delta	6292	5722	202854	226653

3.4. Adjustment for number of iris code bits used

In order to account for the number of bits used in comparisons of two iris codes, we implement Daugman's square root score normalization technique across all sets of data [13]. Some very low raw hamming distances can become negative after normalization, as shown in Figures 4 and 6. The scaling parameter for this dataset, the

average number of bits used per comparison, was 904. Note that this adjustment only applies for the IrisBEE data, and not the VeriEye data.

3.5. Statistical tests on the means

The tabulation of false reject rates across a range of feasible decision thresholds is a more practically useful result, but it is important to consider how this is related to results of statistical tests such as those of Baker *et al.* [1]. These tests follow the experimental method used by Baker *et al.* [1]. The tests are

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performed using the same methodology for both IrisBEE and VeriEye data, but so as not to be redundant, we will describe our methods only in terms of Hamming Distance and not the VeriEye match score. We consider the null hypothesis that the fractional Hamming Distance (HD) for matches between long time-lapse images is not greater than that for matches between short time-lapse images, and the alternative that the HD for long time-lapse comparisons is greater than that of short time-lapse comparisons. We take the average match HDs for each subject from the short time-lapse and subtract them from

those of the long time-lapse.

We perform a sign test on these differences with the null hypothesis that a positive difference occurs as often as a negative difference, and the alternative that a positive difference occurs more often than a negative. When the data is found to be approximately normal using a chi-square goodness-of-fit test, we also perform a t-test on the differences of means with the null hypothesis that the differences come from a distribution with mean zero, and the alternative that the distribution has a mean greater than zero.

4. Results

4.1. Original dataset

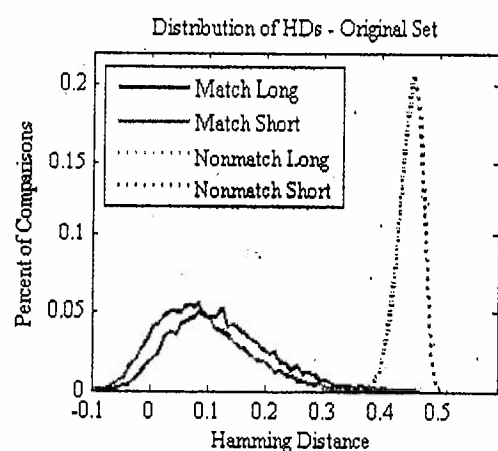


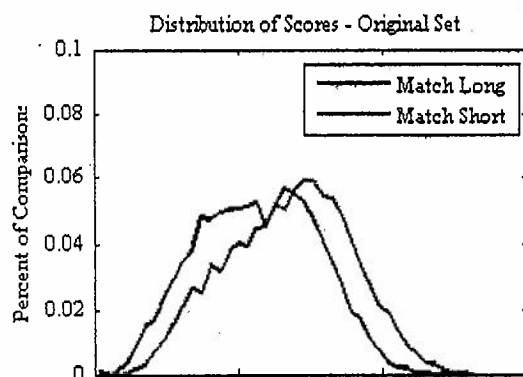
Figure 4: The match distribution for the long time-lapse is clearly shifted right on the short lapse distribution, while the non-match distributions have no apparent difference.

non-match distributions for our original short time-lapse and long time-lapse datasets are plotted in Figure 4. There is no discernible difference in the non-match distributions. However, there clearly is a difference in the match distributions. The false reject rates for the two distributions, computed for a range of decision thresholds from 0.28 to 0.34, are in Table 2. The FRR for the short time-lapse distribution

4.1.1. IrisBEE The match and

varies from 1.9% at a threshold of 0.28 to 0.4% at 0.34. In comparison, the FRR for the long time-lapse distribution varies from 4.9% at 0.28 to 1.5% at 0.34. The increase in FRR from short to long time-lapse ranges from approximately 157% at 0.28 to 305% at 0.34. This increase is relatively stable between thresholds of 0.30 to 0.32, varying between 215% and 210%. From these results, it is clear that there is a sizeable increase in false reject rate between the short and long time-lapse distributions over the entire range of feasible decision

threshold values. Thus, Figure 4 shows clear evidence of a template aging effect for iris biometrics.



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the short time-lapse distribution. For VeriEye, higher scores indicate a better match between images.

Figure 5: The match distribution for long time-lapse is clearly shifted to the left of

Table 2: False reject rates of all sets of images for both short and long time-lapse, using the IrisBEE algorithm.

				No	No	
0.28	0.0	0.0	15	0.0	0.0	16
0.29	0.0	0.0	15	0.0	0.0	17
0.30	0.0	0.0	21	0.0	0.0	23
0.31	0.0	0.0	21	0.0	0.0	23
0.32	0.0	0.0	21	0.0	0.0	23
0.33	0.0	0.0	23	0.0	0.0	28
0.34	0.0	0.0	30	0.0	0.0	46
				No	No	
0.28	0.0	0.0	11	0.0	0.0	11
0.29	0.0	0.0	12	0.0	0.0	11
0.30	0.0	0.0	18	0.0	0.0	16
0.31	0.0	0.0	18	0.0	0.0	16
0.32	0.0	0.0	17	0.0	0.0	15
0.33	0.0	0.0	21	0.0	0.0	18
0.34	0.0	0.0	31	0.0	0.0	27

Table 3: False reject rates of all sets of images for both short and long time lapse, using the VeriEye algorithm.

Thresh	Orig	Orig		No	No	
30	2 32	9 17	19	0	0	nan
40	2 32	0 0	23	0	1 37	inf
50	2 32	0 0	23	0	1 37	inf
60	2 32	0 0	23	0	1 37	inf
70	2 32	0 0	28	0	2 73	inf
80	2 32	0 0	28	0	2 73	inf
90	2 32	0 0	45	0	8 20	inf
100	3 48	0 0	44	1 56	0 0	94
110	5 81	0 0	29	4 67	0 0	32
120	6 97	0 0	37	6 23	0 0	41
				No	No	
30	2 37	0 0	28	0	0	nan
40	2 37	0 0	34	0	1 75	inf
50	2 37	0 0	34	0	1 75	inf
60	2 37	0 0	34	0	1 75	inf
70	2 37	0 0	34	0	1 75	inf
80	2 37	0 0	34	0	1 75	inf
90	2 37	0 0	50	0	7 00	inf
100	3 56	0 0	48	1 59	0 0	89
110	5 93	0 0	32	4 78	0 0	31
120	7 12	0 0	32	6 37	0 0	29

4.1.2. VeriEye The match distributions for the original short and long time-lapse datasets are plotted in Figure 5. The non-match distributions are not plotted because over 80% of the data have scores of 0,

and do not show on the graph. A clear shift in the match distributions is visible. The false reject rates for the two distributions over a match score threshold ranging from 30 to 120 are compiled in Table 3. The FRR

for short time-lapse varies from 0.02% at a threshold of 30 to 0.07% at 120. The FRR for long time-lapse varies from 0.09% at 30 to 0.4% at 120. The increase in FRR from short to long time-lapse ranges from 195% at a threshold of 30 to 370% at 120, with a maximum of 457% at 90. It is clear that there is a significant increase in false reject rate between short and long time-lapse distributions over the range of feasible threshold values.

distribution ranged from approximately 1.7% at a decision threshold of 0.28 to 0.3% at 0.34. Comparatively, the long time-lapse FRRs ranged from 3.7% to 1.3% across that span.

The increase in FRR

4.2. Dataset screened on pupil dilation

4.2.1. **IrisBEE** The false reject rates for the short time-lapse

from short to long time-lapse varies from 119% at 0.28 to 319% at 0.34. Like the original set in section 4.1, the increase in FRR for the set experienced relative stability between thresholds of 0.30 and 0.32, varying between 178% and 187%. The plots of the match and non-match distributions for both short and long time-lapse can be found in Figure 6.

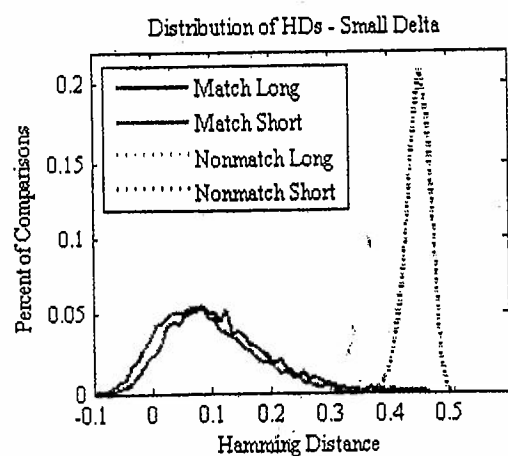


Figure 6: Again, the non-match distributions lie on top of each other while the match distributions are clearly separated.

4.2.2. **VeriEye** The false reject rates for short time-lapse ranged from approximately 0.02% at a threshold of 30 to 0.07% at 120. In comparison, the long time-lapse FRRs ranged from 0.1% at 30 to 0.4% at 120. The increase in FRR from short to long time-lapse varied from 289% at 30 to 325% at 120, with a maximum of 507% at a threshold of 90. The plots of the match distributions for short and long time-lapse are displayed in Figure 7.

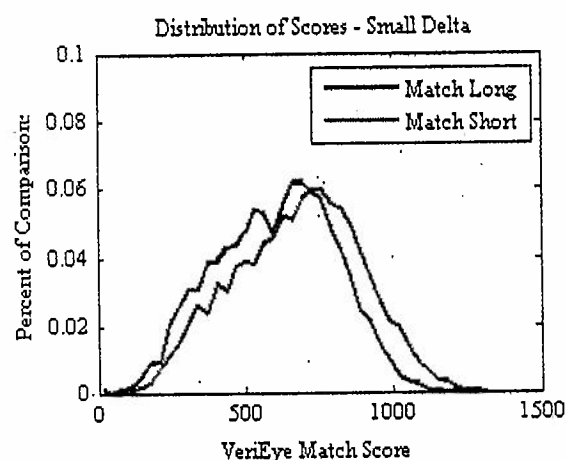


Figure 7: The long time-lapse distribution for the small delta dataset is shifted significantly to the left of the short time-lapse distribution.

4.3. Dataset screened on contact lenses

4.3.1. **IrisBEE** The false reject rates for the short time-lapse case for this dataset ranged from 2.3% at a threshold of 0.28 to 0.4% at a threshold of 0.34. The long time-lapse false

reject rates ranged from 6.0% to 1.7%. The increase in FRR from short to long time-lapse varies from 161% at 0.28 to 467% at 0.34. Similar increases in false reject are observed between thresholds of 0.30 and 0.32, varying between 233% and 237%. The match distribution plots for this and future cases, for both IrisBEE and VeriEye, are similar to the previous datasets, and are not included due to space limits.

4.3.2. **VeriEye** The false reject rates for the short time-lapse ranged from 0.02% at a threshold of 100 to 0.06%

at 120. No match comparisons had a score of 90 or below. The long time-lapse FRRs ranged from 0.01% at 40 to 0.4% at 120, with no match comparisons yielding a score of 30 or below. The measurable increases in FRR for thresholds of 100, 110 and 120 were 941%, 326%, and 414%, respectively.

4.4. Dataset screened on dilation and contacts

4.4.1. **IrisBEE** The false reject rates for the final dataset ranged from 2.1% at a decision threshold of 0.28 to 0.4% at a threshold of 0.34 in the short

time-lapse case. The long time-lapse FRRs varied between 4.3% at 0.28 to 1.3% at 0.34. The observed increase in FRR differs between 111% and 274%. Between thresholds of 0.30 and 0.32, where relative stability has been noted in previous sections, the FRRs ranged from 153% to 170%.

4.4.2. VeriEye The false reject rates for the short time-lapse case ranged from 0.02% at a threshold of 100 to 0.07% at 120. No match comparisons had a score of 90 or below. The FRRs for long time-lapse ranged from 0.02% at 40 to 0.3% at 120, with no match comparisons yielding a score of

30 or lower. The measurable increases in FRR for thresholds of 100, 110, and 120 were 899%, 313%, and 295%, respectively.

4.5. Statistical tests on the means

The results of the statistical tests described in Section 3.6 are as follows. For IrisBEE, all four datasets rejected the null hypothesis of the sign test. Of the two whose distributions of mean HDs were found to be approximately normal, both also rejected the null hypothesis of the t-test. The p-values of those statistical tests, as well

as the overall mean HDs of the distributions, can be found in Table 4. Similar results were found for the tests using VeriEye. In the sign test, all four datasets rejected the null hypothesis. None of the distributions were found to be normal, so t-tests were not performed. These results can be found in Table 5.

Table 4: Results of statistical tests for each dataset, using IrisBEE.

Dataset	Match			Non-match			#	p-values	
	Short	Long	Chan	Short	Long	Chan		Sign	T-Test
Original	0.0	0.1	0.0	0.4	0.4	0.0	84	0.67	N/A
Small Delta	0.0	0.1	0.0	0.4	0.4	0.0	79	4.00	N/A
No Contacts	0.0	0.1	0.0	0.4	0.4	0.0	56	1.19	7.91
No Cont	0.0	0.1	0.0	0.4	0.4	-	52	1.54	7.67

Table 5: Results of statistical tests for each dataset, using VeriEye.

Dataset	Match Comparison HD			Non-match Comparison HD			# Irises w/ Decr. Score	p-values	
	Short	Long	Change	Short	Long	Change		Sign Test	T-Test
Original	670.4	566.3	-104.1	0.981	0.962	-0.019	82/86	5.76E-20	N/A
Small Delta	673.7	599.0	-74.7	0.943	0.926	-0.017	78/83	6.40E-18	N/A
No Contacts	620.3	519.1	-101.2	0.858	0.846	-0.012	54/58	3.17E-12	N/A
No Cont., Sm. Del.	623.7	551.0	-72.7	0.792	0.777	-0.015	52/55	1.54E-12	N/A

5. Summary and discussion

We report on the results of an experimental investigation of template aging in iris biometrics. Here, a "template aging effect" is defined as an increase in the false reject rate with increased elapsed time between the enrollment image and the verification image. We find that a template aging effect does exist. We also consider

controlling for factors such as difference in pupil dilation between compared images and the presence of contact lenses, and how these affect template aging, and we use two different algorithms to test our data.

While our experimental results support those of Baker *et al.* [1] in concluding that a template aging effect does exist in iris biometrics, our work is distinguished from that of Baker *et al.* [1] in several respects.

First, our iris image dataset represents a larger number of different subjects and irises (86 irises vs. 26), and is acquired using a more modern iris imaging system (LG 4000 vs. LG 2200). Second, we consider an elapsed time interval that is shorter than that considered by Baker *et al.* (~2 years vs. ~4 years). Thirdly, we take a different approach to handling potential confounding factors such as pupil dilation and contact lenses. We create data subsets with only those comparisons with a difference in dilation between images of 0.1 or less, whereas Baker *et al.* simply report that there is no linear

correlation between dilation difference and hamming distance across time-lapse. We also create subsets with only those subjects who did not wear contact lenses in any session; Baker *et al.* only report the number of contact wearers. Finally, we use two different algorithms, IrisBEE and VeriEye, to test our data.

Our primary experimental result involves an image dataset representing 86 different irises. For each iris, match and non-match distributions were created for a short time-lapse case (5 to 51 days elapsed) and a long time-lapse case (665 to 737 days elapsed). We observe no

significant difference in the non-match distribution between the short time-lapse data and the long time-lapse data. However, we do observe a shift in the match distribution, such that there is an increase in false reject rate across the range of potential decision threshold values. Using a threshold fractional Hamming Distance

of 0.32 for the experiments run using IrisBEE, the observed false reject rate increases by 210% from the short time-lapse match distribution to the long time-lapse match distribution. The increase in false reject rate ranges from 157% at a threshold of 0.28 to 305% at 0.34. Note that the false reject rate is in the area in the tail of the match distribution, so it naturally decreases as the decision threshold moves further toward the tail. Because the amount of data in the tail of the distribution also decreases with increased values of the decision threshold, we can expect that

the estimated magnitude of increase in false reject rate between the two match distributions is more subject to noise. The experiments run using the VeriEye algorithm yielded similar results. The observed false reject rate increases from short to long time-lapse by 195% at a threshold of 30 and up to 457% at a threshold of 100. As described above, the tail of the distribution, in this case lower scores, is subject to noise due to limited data, however, it is clear from these results that a template aging effect is present.

Following this initial result, we investigated factors that

could possibly contribute to the observed increase in false reject rate. One possible confounding factor is the difference in pupil dilation between two images in a comparison. We found that for IrisBEE, restricting the dataset to image comparisons that had only a small difference in pupil dilation resulted in a smaller increase overall in FRR. The results from VeriEye showed a slightly larger increase in FRR overall. Thus, depending on the algorithm, pupil dilation may or may not be a significant confounding factor for measuring a template aging effect. Another potential factor is the presence of contact

lenses. We found that after using only those subjects who did not wear contacts in any session, the results of both algorithms showed a larger increase in false reject rate than the original dataset. However, this comparison involved a large decrease in the number of irises represented, and both the sets controlling for contacts and those controlling for dilation experienced a large decrease in the number of match comparisons, which may make these sets of results less reliable.

Based on the above results, we conjecture that iris biometric systems that are able

to restrict comparisons to images with a small difference in dilation may be subject

to a somewhat smaller template aging effect. Also, screening for this factor as well as the presence of contact lenses is partially additive; that is, restriction to small dilation difference and the absence of contact lenses lead to slightly better performance across a longer time lapse than pupil dilation alone.

It is not possible from our current results to give a precise estimate of the magnitude of the template aging effect to expect in a practical application or a specific correlation between template aging and elapsed time for iris biometrics in general. The observed increase

in false reject rate naturally varies with a number of factors. These include, likely among other important reasons, the decision threshold of the system, the inherent accuracy of the segmentation algorithms, the variation in pupil dilation, and the presence of contact lenses. A better estimate of the magnitude of the general template aging effect and of all its underlying causes requires additional research using larger datasets.

The existence of a template aging effect should not prevent iris biometrics from practical use. Much like other identification methods such as drivers' licenses are

renewed after a set period of time, a subject could be re-enrolled into the system, once an acceptable time frame is determined. Further research on the changes in iris texture over time will also increase our understanding of both the nature and location of such changes. In some sense, these findings place iris biometrics on equal ground with other biometric areas in which the existence of a template aging effect has already been acknowledged. We know of no studies that present any conclusion about the relative speed of template aging in different biometrics.

6. Acknowledgements

This work is supported by the Central Intelligence Agency, the Biometrics Task Force and the Technical Support Working Group through Army contract W91CRB-08-C-0093. Sam Fenker is supported as an Ateyeh Undergraduate Research Scholar through the Ateyeh Endowment for Excellence at the University of Notre Dame. The opinions, findings and conclusions or recommendations expressed in this report are those of the authors and do not necessarily represent the views of the sponsors.

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ANNP-5

**STANDING COMMITTEE ON
FINANCE (2011-12)**

FIFTEENTH LOK SABHA

Ministry of Planning

OBSERVATIONS /**RECOMMENDATIONS**

1. The Committee have carefully examined the written information furnished to them and heard the views for and against the National Identification Authority of India (NIDAI) Bill from various quarters such as the Ministry of Planning, the Unique Identification Authority of India (UIDAI), the National Human Rights Commission (NHRC) and experts. The clearance of the Ministry of Law & Justice for issuing aadhaar numbers, pending passing the Bill by Parliament, on the ground that powers of the Executive are co-extensive with the legislative power of the Government and that the Government is not debarred from exercising its Executive power in the areas which are not regulated by the legislation does not satisfy the Committee. The Committee are constrained to point out that in the instant case, since the law making is underway with the bill being pending, any executive action is as unethical and violative of Parliament's prerogatives as promulgation of an ordinance while one of the Houses of Parliament being in session.

2. The Committee are surprised that while the country is on one hand facing a serious problem of illegal immigrants and infiltration from across the borders, the National Identification Authority of India Bill, 2010 proposes to entitle every resident to obtain an aadhaar number, apart from entitling such other category of individuals as may be notified from time to time. This will, they apprehend, make even illegal immigrants entitled for an aadhaar number. The Committee are unable to understand the rationale of expanding the scheme to persons who are not citizens, as this entails numerous benefits proposed by the Government. The Committee have received a number of suggestions for restricting the scope of the UID scheme only to the citizens and for considering better options available with the Government by issuing Multi-Purpose National Identity Cards (MNICs) as a more acceptable alternative.

3. The Committee observe that *prima facie* the issue of unique identification number, which has been referred to as "aadhaar number" to individuals residing in India and other classes of individuals

under the Unique Identification (UID) Scheme is riddled with serious lacunae and concern areas which have been identified as follows:-

- (a) The UID scheme has been conceptualized with no clarity of purpose and leaving many things to be sorted out during the course of its implementation; and is being implemented in a directionless way with a lot of confusion. The scheme which was initially meant for BPL families has been extended for all residents in India and to certain other persons. The Empowered Group of Ministers (EGoM), constituted for the purpose of collating the two schemes namely, the UID and National Population Register(NPR), and to look into the methodology and specifying target for effective completion of the UID scheme, failed to take concrete decision on important issues such as (a) identifying the focused purpose of the resident identity database; (b) methodology of collection of data; (c) removing the overlapping between the UID scheme and NPR; (d) conferring of statutory

authority to the UIDAI since its inception;

(e) structure and functioning of the UIDAI; (f) entrusting the collection of data and issue of unique identification number and national identification number to a single authority instead of the present UIDAI and its reconciliation with National Registration Authority;

- (b) The need for conferring of statutory authority to the UIDAI felt by the Government way back in November, 2008, but was deferred for more than two years for no reason. In this regard, the Ministry of Planning have informed the Committee that till the time Parliament passes the NIDAI Bill, crucial matters impinging on security and confidentiality of information will be covered by the relevant laws. The Committee are at a loss to understand as to how the UIDAI, without statutory power, could address key issues concerning their basic functioning and initiate proceedings against the defaulters and penalize them;

- (c) The collection of biometric information and its linkage with personal information of individuals without amendment to the Citizenship Act, 1955 as well as the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, appears to be beyond the scope of subordinate legislation, which needs to be examined in detail by Parliament;
- (d) Continuance of various existing forms of identity and the requirement of furnishing „other documents“ for proof of address, even after issue of aadhaar number, would render the claim made by the Ministry that aadhaar number is to be used as a general proof of identity and proof of address meaningless;
- (e) In addition to aadhaar numbers being issued by the UIDAI, the issuance of smart cards containing information of the individuals by the registrars is not only a duplication but also leads to ID fraud as prevalent in some countries; and
- (f) The full or near full coverage of marginalized

sections for issuing aadhaar numbers could not be achieved mainly owing to two reasons viz. (i) the UIDAI doesn't have the statistical data relating to them; and (ii) estimated failure of biometrics is expected to be as high as 15% due to a large chunk of population being dependent on manual labour.

4. The Committee regret to observe that despite the presence of serious difference of opinion within the Government on the UID scheme as illustrated below, the scheme continues to be implemented in an overbearing manner without regard to legalities and other social consequences:-

(i) The Ministry of Finance (Department of Expenditure) have expressed concern that lack of coordination is leading to duplication of efforts and expenditure among at least six agencies collecting information (NPR, MGNREGS, BPL census, UIDAI, RSBY and Bank Smart Cards);

(ii) The Ministry of Home Affairs are stated to have raised serious security

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concern over the efficacy of introducer system, involvement of private agencies in a large scale in the scheme which may become a threat to national security; uncertainties in the UIDAI's revenue model;

- (iii) The National Informatics Centre (NIC) have pointed out that the issues relating to privacy and security of UID data could be better handled by storing in a Government data centre;
- (iv) The Ministry of Planning have expressed reservation over the merits and functioning of the UIDAI; and the necessity of collection of iris image;
- (v) Involvement of several nodal appraising agencies which may work at cross-purpose; and
- (vi) Several Government agencies are collecting biometric(s) information in the name of different schemes.

5. The Committee are also unhappy to observe that the UID scheme lacks clarity on many issues such as even the basic purpose of issuing

"aadhaar" number. Although the scheme claims that obtaining aadhaar number is voluntary, an apprehension is found to have developed in the minds of people that in future, services / benefits including food entitlements would be denied in case they do not have aadhaar number. It is also not clear as to whether possession of aadhaar number would be made mandatory in future for availing of benefits and services. Even if the aadhaar number links entitlements to targeted beneficiaries, it may not ensure that beneficiaries have been correctly identified. Thus, the present problem of proper identification would persist. It is also not clear that the UID scheme would continue beyond the coverage of 200 million of the total population, the mandate given to the UIDAI. In case, the Government does not give further mandate, the whole exercise would become futile.

6. Though there are significant differences between the identity system of other countries and the UID scheme, yet there are lessons from the global experience to be learnt before proceeding with the implementation of the UID scheme, which the Ministry of Planning have ignored completely.

For instance, the United Kingdom shelved its Identity Cards Project for a number of reasons, which included:- (a) huge cost involved and possible cost overruns; (b) too complex; (c) untested, unreliable and unsafe technology; (d) possibility of risk to the safety and security of citizens; and (e) requirement of high standard security measures, which would result in escalating the estimated operational costs. In this context, the Report of the London School of Economics" Report on UK"s Identity Project *inter-alia* states that ".....identity systems may create a range of new and unforeseen problems.....the risk of failure in the current proposals is therefore magnified to the point where the scheme should be regarded as a potential danger to the public interest and to the legal rights of individuals". As these findings are very much relevant and applicable to the UID scheme, they should have been seriously considered.

7. The UID scheme facilitates the UIDAI and the registrars to create database of information of people of the country. Considering the huge database size and possibility of misuse of information, the Committee are of the view that

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enactment of national data protection law, which is at draft stage with the Ministry of Personnel, Public Grievances and Pensions, is a pre-requisite for any law that deals with large scale collection of information from individuals and its linkages across separate databases. In the absence of data protection legislation, it would be difficult to deal with the issues like access and misuse of personal information, surveillance, profiling, linking and matching of data bases and securing confidentiality of information etc.

8. The Committee note that the Ministry of Planning have admitted that (a) no committee has been constituted to study the financial implications of the UID scheme; and (b) comparative costs of the aadhaar number and various existing ID documents are also not available. The Committee also note that Detailed Project Report (DPR) of the UID Scheme has been done much later in April, 2011. The Committee thus strongly disapprove of the hasty manner in which the UID scheme has been approved. Unlike many other schemes / projects, no comprehensive feasibility study, which ought to have been done before approving such an expensive

scheme, has been done involving all aspects of the UID scheme including cost-benefit analysis, comparative costs of aadhaar number and various forms of existing identity, financial implications and prevention of identity theft, for example, using hologram enabled ration card to eliminate fake and duplicate beneficiaries.

9. The Committee are afraid that the scheme may end up being dependent on private agencies, despite contractual agreement made by the UIDAI with several private vendors. As a result, the beneficiaries may be forced to pay over and above the charges to be prescribed by the UIDAI for availing of benefits and services, which are now available free of cost.

10. The Committee find that the scheme is full of uncertainty in technology as the complex scheme is built up on untested, unreliable technology and several assumptions. Further, despite adverse observations by the UIDAI's Biometrics Standards Committee on error rates of biometrics, the UIDAI is collecting the biometric information. It is also not known as to whether the proof of concept studies and assessment studies undertaken by the UIDAI

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have explored the possibilities of maintaining accuracy to a large level of enrolment of 1.2 billion people. Therefore, considering the possible limitations in applications of technology available now or in the near future, the Committee would believe that it is unlikely that the proposed objectives of the UID scheme could be achieved.

11. The Committee feel that entrusting the responsibility of verification of information of individuals to the registrars to ensure that only genuine residents get enrolled into the system may have far reaching consequences for national security. Given the limitation of any mechanism such as a security audit by an appropriate agency that would be setup for verifying the information etc., it is not sure as to whether complete verification of information of all aadhaar number holders is practically feasible; and whether it would deliver the intended results without compromising national security. As the National Identity Cards to citizens of India are proposed to be issued on the basis of aadhaar numbers, the possibility of possession of aadhaar numbers by illegal residents through false affidavits / introducer system cannot be ruled out.

12. The Committee take note that the Ministry of Home Affairs have alleged that some of the registrars have not adhered to the laid down procedures under UIDAI which renders the Memoranda of Understanding (MoU) signed between the UIDAI and the registrars meaningless; and it compromises the security and confidentiality of information of Aadhaar number holders. Even, according to the latest media reports, controversies between the Ministry of Home Affairs and the UIDAI over issues such as the manner and processes followed by the UIDAI, duplication of efforts between NPR and aadhaar, and security of data still remain unresolved.

13. In view of the afore-mentioned concerns and apprehensions about the UID scheme, particularly considering the contradictions and ambiguities within the Government on its implementation as well as implications, the Committee categorically convey their unacceptability of the National Identification Authority of India Bill, 2010 in its present form. The data already collected by the UIDAI may be transferred to the National Population Register (NPR), if the Government so chooses. The Committee

would, thus, urge the Government to reconsider and review the UID scheme as also the proposals contained in the Bill in all its ramifications and bring forth a fresh legislation before Parliament.

New Delhi

YASHWANT SINHA

11 December, 2011

Chairman,

20 Agrahayana, 1933 (Saka)

Standing Committee on Finance

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2. The Committee took up the following draft Reports for consideration and adoption:-

- (i) The Insurance Laws (Amendment) Bill, 2008;
- (ii) The National Identification Authority of India Bill, 2010;
and
- (iii) The Banking Laws (Amendment) Bill, 2011.

3. The Committee adopted the above draft reports with some minor modifications/changes as suggested by Members. The Committee authorised the Chairman to finalise the Reports in the light of the modifications suggested and present these Reports to Parliament.

The Committee then adjourned

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ANNEXURE P-6

Justice Ajit Prakash Shah
Former Chief Justice
High Court of Delhi

Dated: 16th October, 2012

Dear Dr. Ashwani Kumar Ji,

I am pleased to enclose the report of the Group of Experts on Privacy constituted by the Planning Commission under my chairmanship. The report covers international privacy principles, national privacy principles, rationale and emerging issues along with an analysis of relevant legislations/Bills from a privacy perspective. On the basis of deliberations and in depth analysis, the group has identified a set of recommendations, which the government may like to consider while formulating the proposed framework for a Privacy Act.

With warm regards,

(Ajit Prakash Shah)

Encl: Report of the Group of Experts on Privacy

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The National Identification Authority of India Bill,

2010^{lxiv}

4.12. The National Identification Authority of India (NIAI) Bill is a proposed legislation meant to provide a legal framework for the National Identification Project, which is envisioned to be an identity scheme meant to issue unique identification/Aadhaar numbers that are based on biometrics to residents on a voluntary basis. The following personal information will be collected for issuance of an Aadhaar number - Name, Date of Birth, Gender, Fathers/Spouse/Guardian's name, Mother/Spouse/Guardians name and Address; Photograph, all ten fingerprints and both iris scan. In addition, information about bank account, introducer, consent, mobile number, email address and the document on which the enrolment is based may be collected.

4.13. The Bill provides for the establishment of a National Identification Authority of India (NIAI) for the purpose of issuing identification or Aadhaar numbers to individuals residing in India, manner of authentication of such individuals, establishment and composition of Authority, functions of Chairperson, and protection of information relating to an Aadhaar number, and

penalties for impersonation, unauthorized access, and the power to make rules and regulations in this regard. The NIAI Bill contains detailed provisions on several aspects of the unique identification number and its administration.

1. Notice - Missing Provisions

- o **Breach:** Affected individuals should be notified of any breach at the level of enrolling agencies. The Bill does not provide for Aadhaar number holders to be notified when their data is accessed or its integrity/security is breached.
- o **During Collection:** During enrollment agencies should provide notice of the fact that personal information is being collected, the purposes for which personal information is collected, the uses of collected personal information, the persons or organizations to whom personal information may be disclosed, the security safeguards established by the organization in relation to the personal information, the processes established by the organization in relation to the personal information, the processes available to data subjects to access and correct their own personal information, the contact details of the privacy

officers and SRO ombudsmen for filing complaints.

- **Legal Access:** If information is legally accessed, notice should be given to affected individuals after the closure of the investigation.
- **Change in Privacy Policy:** If the privacy policy of any agency collecting information or the UID changes, notice must be given to the public and the individual.

2. Choice and Consent Existing Provisions

- **Sharing of information:** The UIDAI will create regulations for the sharing of information of Aadhaar number holders with their written consent, with such agencies engaged in the delivery of public benefits and public services.
- Section 23k

Missing Provisions

- **Opt in or Out:** The Bill should specify that individuals have the choice to opt in or out of providing their Aadhaar number, and a service should not be denied to an individual for not providing their number.

**UID however pointed out that the enrolment for Aadhaar is upfront voluntary; therefore, it is baseless to say there is no choice available to*

an individual. As regards access to services it is beyond the remit of this legislation to prescribe across board that without Aadhaar a service should not be denied.

- **Mandated Provision:** The mandatory provision of information to obtain an Aadhaar number should be in compliance with the National Privacy Principles.
- **Anonymization:** If information is collected on a mandatory basis – either by an enrolling agency at the time of enrollment or for the purposes of authentication via the UID, this material should be anonymized within one year if published in public databases.
- **Lack of choice:** Although the Bill states that obtaining the Aadhaar number is not mandatory, it should contain provisions that ensure that enrolment is not made mandatory by any other agencies.

Conflicting Provisions

- **Appropriate Consent:** One of the functions of the Authority under **Section 23 (2)** (k) of the Bill is to share the “information of Aadhaar number holders, with their written

consent, with such agencies engaged in the delivery of public benefits and public services."

Since some Aadhaar applicants may be illiterate, it may not be reasonable for the Authority to expect that the Aadhaar number holders will be able to understand the implications of information sharing and provide their written consent for the same.

3. Collection Limitation Existing Provisions

- **Limited Collection:** Authority from requiring any individual to give information pertaining to his race, religion, caste, tribe, ethnicity, language, income or health. **Section 9**

Missing Provisions

- **Proportional:** Enrolling, registering, or otherwise collecting information shall only collect as much information is necessary for the purposes identified by the Bill, and for which notice and consent have been taken.

Conflicting Provisions

- **Transaction Data:** The UID Authority shall maintain details of every request for authentication of the identity of every Aadhaar number holder and the response provided

thereon by it in such manner and for such time
as may be specified by regulations. **Section 32**

4. Purpose Limitation Missing Provisions

- **Adequate and Relevant:** Personal data collected and processed by enrolling agencies and the UIDAI must be adequate and relevant to the purposes for which they are processed.
- **Stated Purposes:** Enrolling agencies, registrars, transacting organizations, and the UIDAI will only collect, disclose, make available, or otherwise use personal information for the purposes stated in the Bill, as notified to the public, and with consent from individuals.
- **Notification of change in purpose:** If there is a change in purpose, this must be notified to the public and the individual.
- **Destruction:** After personal information has been used in accordance with the identified purpose it must be destroyed as per identified procedure.
- **Data Retention Mandates:** All data retention mandates by enrolling agencies, transacting organizations, and the UIDAI must be in compliance with the National Privacy Principles.

Conflicting Provisions

- **Broad response:** The authority will reply to an authentication request with a yes or no answer, or with any other appropriate response. This introduces the possibility of another response, and may negate the privacy protection of only a yes or no answer, by introducing the possibility for another response. **Section 5.**

** UID's version however is that the authority cannot restrict itself to giving to monosyllabic responses as it may have to take care of communicating through error codes etc.*

5. Disclosure of Information Missing Provisions

- **Disclosure with consent:** Enrolling agencies, registrars, the UIDAI, and organizations conducting transactions should only disclose information to third parties only if notice has been given and informed consent taken for each transfer.
- **Compliance with National Privacy Principles:** All third parties must be bound to the National Privacy Principles.
- **Disclosure to Law Enforcement:** Disclosures to law enforcement must be made in accordance with laws in force.

Conflicting Provisions

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- **Access by law enforcement:** Any collected information can be disclosed pursuant to an order of a competent court; or made in the interests of national security in pursuance of a direction to that effect issued by an officer or officers not below the rank of Joint Secretary or equivalent in the Central Government specifically authorised in this behalf by an order of the Central Government. **Section 33**

- **Subcontracting/delegation:** The Authority to engage one or more entity for the establishment and maintenance of the CIDR, and for any other function as may be specified. This provision allows for any activity to be delegated and outsourced.

Section 7

6. Security Existing Provisions

- **Security measures:** The Authority shall ensure the security and confidentiality of identity information and authentication records of individuals and take measures (including security safeguards) to ensure that the information in the possession or control of the Authority (including information stored in the Central Identities

Data Repository) is secured and protected against any loss or unauthorised access or use or unauthorised disclosure. **Section 30(1)**

- o **Confidentiality:** Notwithstanding anything contained in any other law for the time being in force and save as otherwise provided in the proposed legislation, the Authority or any of its officers or other employee or any agency who maintains the Central Identities Data Repository shall not reveal any information stored in the Central Identities Data Repository to any person.

Section 30(2)

7. Openness

Missing Provisions: Enrolling agencies and the UIDAI should make available to all individuals in an intelligible form, using clear and plain language, all steps taken in order to ensure compliance with the privacy principles.

8. Accountability Existing Provisions

- o **Authority:** The Bill provides for the establishment of a National Identification Authority of India (NIAI) for the purpose of issuing identification or Aadhaar numbers to individuals residing in India. **Section 11**

- o **Penalties:** Penalties will be issued for impersonation, intentional disclosure to unauthorized individuals, collection of information without authorization for a term which may extend to three years and with a fine which may extend to ten thousand rupees, for unauthorized tampering with the data in the Central Identities Data Repository or in any removable storage medium. **Section 34, 36, 37, 39** for unauthorized access to the Central Identities Data Repository with imprisonment for a term which may extend to three years and shall be liable to a fine which shall not be less than one crore rupees. **Section 38** for any other offence under the Act with imprisonment for a term which may extend to three years or with a fine which may extend to twenty-five thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both. **Clause 41** The provisions of the legislation will apply to any offence or contravention committed outside India. **Clause 43**

Missing Provisions

- o **Compensation and redress:** The Bill does not

provide individuals with clear forms of redress.

Conflicting Provisions

- **Broad Powers:** Among other powers, the Authority has the power to specify required demographic information and biometric information for enrollment and the processes for collection and verification of demographic and biometric information, maintaining and updating the information of individuals in the Central Identities Data Repository, omitting and deactivating an aadhaar number, sharing collected information with consent from the individual, establishing and maintaining the Central Identities Data Repository, specifying processes relating to data management, security protocols, levying and collecting fees for authentication, setting up a system of complaints for aggrieved individuals, calling for information and records, conducting inspections, inquiries and audit of the operations for the purposes of the proposed legislation of the Central Identities Data Repository, Registrars, enrolling agencies and other agencies appointed under this Act, entering into a Memorandum of Understanding or

agreement with the Central Government or State Governments or Union territories or other agencies for the purpose of performing any of the functions in relation to collecting, storing, securing or processing of information or performing authentication; and appoint by notification, such number of Registrars, engage and authorise such agencies to collect, store, secure, process information or do authentication or perform such other functions.

Section 23 Verification Existing Provisions

- o The UIDAI will be responsible for notifying regulations as to the verification of collected information. **Rule 23(a)**

True Copy

Through

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ANN-7

Shri.H.A.C.Prasad

Senior Economic Adviser(Additional Secretary)

Ministry of Finance

Government of India

4th Januray 2013

Dear Shri.Chidambaram,

Thank you for your invitation to the Consultation on Social Sector issues with reference to the Budget -2013 I tried to call the Additional Secretary's office yesterday to let you know, that despite my best efforts, I will not be able to attend the meeting you have scheduled for 11 am today .I will be sending a note separately covering important concerns, which I hope you will consider seriously.

The issues that need financial allocations as top priority, concern the extremely vulnerable unorganised sector whose contribution to the country is not recognised and who continue to be citizens only in name. The bulk of the working population is bereft of security of food, health, education and pension in old age. Even the MGNREGA, that has been such a lifeline for the rural poor is being deliberately undermined through poor implementation by a

class that wants to live off the benefits of inhuman exploitation. The current "magic" of aadhar based cash payments as a substitute for resources and misgovernance, might seem attractive to some people for whom it is an academic exercise. It will not fool those who are beginning to face the vagaries of this technocratic dictatorship.

I come from a sector that is shocked and baffled that you talk about the need to cut subsidies for the poor, but have no hesitation in funding a programme like Aadhaar that functions in a legislative vacuum; where the parliamentary standing committee has raised a series of fundamental objections. We also do not accept your contention that there isn't enough money to look after the basic needs of people. In a country that has fuelled its economic growth through exploitation of common property resources and the labour of the poor, to not have a tax to GDP ratio that is substantially higher only makes it clear that for India's unorganised sector the candle is burning on both ends. Enough has already been said about the undiminished tax subsidies to the corporate sector, which will I am sure be meeting you with increased demands.

My first suggestion to you is that these consultations be organised where these so called sectors hear each other, rather than be pigeon holed into unequal consultations. We would like to

understand and listen to the demands of the corporate sector, and we would like them to hear our demands. Open consultations are surely the minimum democratic standard for budget formulation.

I enclose a petition from the Pension Parishad on Universalisation of old age pensions. We feel that the elderly having to lead a life of destitution without even a bare minimum income, is a crime against humanity. They are a segment who have no alternative and are suffering and dying. Universalising old age pensions (with a rational exclusion criteria for those who have adequate income) is not a matter that can wait, and must be provided for in the budget for 2013-14. Petitions related to Universal Pensions for the elderly in the informal sector - and pensions for widows, single women, the disabled etc, have already been handed over in detail to your Ministry. The former MOF Shri Pranab Mukherjee had this examined by a joint team of representatives of the MoRD, Ministry of Law, Social Welfare and Finance, in his room in May 2012. Some assurances were also made by a spate of Ministries that BPL targeting would not be part of the criteria. The Minister for Rural Development sent a letter to the Prime Minister at the time of an agitation of the Pension Parishad that is attached.

We are also extremely distressed that the food security bill has been pushed into cold storage and the contrary path of cash

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transfers is being relentlessly pursued. Your assurances that the so called DBT is only being implemented in cash transfer schemes "for now" only makes us more apprehensive of what will follow.

The Government is making a huge mistake in pushing Aadhaar and making it mandatory, without ensuring its viability. Glaring mismatches have already begun at the grass root level and the system being imposed is undemocratic and injudicious. Any further investment without proper and complete examination will undoubtedly lead to confirmed disaster.

We are also in complete disagreement with the understanding that technology can be a substitute for failures in Governance. We strongly feel that you should hold an open consultation on the aadhar based cash transfer campaign of the government not just to discuss its potential applicability in social sector programmes, but also as a mechanism of governance reform. Yours was a government that empowered people to monitor government through the right to information act. Instead of showing the political will to act on demands for accountability, this government is proceeding on the assumption that technology will be the "game changer." It is not that we oppose technology or even blindly oppose the use of technology for monitoring of welfare programmes. Many of us feel that it it not been

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adequately discussed, or rationally evaluated; instead all opposition and even questions are being steam rolled.

There is no substitute for political will, and we want to register our fundamental objection to this commercial and centralised mode of governance. As grassroot activists, we also want to register the fact that our voices based on the experience so far are being pushed aside and ignored. Instead of pursuing people based monitoring like social audits, controls are being taken away from the people through technological "fixes"

In so far as the MGNREGA is concerned, the sorry implementation of the programme through a reluctant bureaucracy, cannot be used as an excuse to reduce the effectiveness of the programme. We think that there can be no reduction in budgetary provisions for this programme. Despite it having shown it is a lifeline for the poor in areas where it is properly implemented, basic entitlements are still to be effectively put into place in many parts of the country. The government has taken an untenable stand on issues like payment of minimum wages; where even the Supreme Court has expressed surprise that people have to come to court against government on an issue that violates both law and constitution. We hope you will sort this matter out in compliance with the minimum wages act before the next budget.

I would like to re-emphasise the need for a series of joint and open consultations organised in a fashion where we understand what the government is doing to implement or reject suggestions made from every "sector". We hope you will accept this demand for minimum democratic standards in pre- budget consultations and democratic decision making.

Looking forward to hearing from you.

With regards,

Aruna Roy

Aruna Roy

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IN THE SUPREME COURT OF INDIA

WRIT(CIVIL) JURISDICTION

I.A. NO. 7 OF 2013

IN

WRIT PETITION (CIVIL) NO. OF 2013

IN THE MATTER OF :

Aruna Roy & Anr

...Petitioners

Versus

Union of India & Ors.

...Respondents

APPLICATION FOR DIRECTIONS

TO

THE HON'BLE CHIEF JUSTICE OF INDIA AND
HIS COMPANION JUSTICES OF THE SUPREME
COURT OF INDIA AT NEW DELHI

The humble application on behalf
of the applicant abovenamed

MOST RESPECTFULLY SHOWETH:

1. The Applicant-Petitioners, who are social workers working for the upliftment of the economically and/or socially backward classes, are the Petitioners in the above Public Interest petition - being aggrieved inter alia by the implementation of the 'Unique Identification Number' System (UID)

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(also known as "Aadhaar"), which has now been linked to various Welfare Schemes for the citizens.

2. It is the grievance of the Applicant-Petitioners that the implementation Aadhaar / UID system in legal vacuum without a statutory framework - despite the objections noted by the Parliamentary Standing Committee on Finance, and enrollment by individuals to which is sought to be made mandatory by the Central Government and various State Governments and various central and state agencies for access to many services including welfare schemes like the PDS, MGNREGA, Scholarships, Pensions, RSBY, Janani Suraksha Yojana and subsidized LPG is violative of the Constitution of India being violative of various fundamental rights including the Right to Privacy, the Right to Equality and Equal Protection of the Laws, the Right to non-deprivation of life or liberty without the authority of a Constitutionally valid law, the Right to food, the Right to Education and the Right to employment under the Part III of the Constitution of India particularly under Articles 14, 21 and 21-A, as shown in the above Writ Petition.

3. It is submitted that the aforementioned Writ Petition shows how enrollment to Aadhaar/UID is arbitrarily being made mandatory to access various central and State schemes even when there is no law specifying the enrollment to Aadhaar/UID to be mandatory for any person and despite the results of the Aadhaar/UID scheme so far showing that Aadhaar/UID is neither a significant value-add to existing schemes or to the enrollees nor easy or fool-proof enough to be a minimal overhead for both the persons desiring to access the various welfare schemes as well as the agencies in-charge of implementing those welfare schemes. Further, it has been contended in the above petition that a number of the said welfare and other schemes require significant re-engineering to support the Aadhaar/UID-based identity platform and that the Aadhaar/UID system is fraught with a number of pitfalls and shortcomings putting in danger the accessibility of these schemes to a considerable number of persons dependent on the smooth implementation of those schemes.

4. Further it is submitted that the aforementioned Petition contains averments on how making the

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Aadhaar/UID mandatory has caused utter confusion and potential exclusion from access to various schemes and that the same ought to be immediately stopped to restore normalcy and prevent further confusion, exclusion and infringement of fundamental rights.

5. It is further submitted that in the instant case, the balance of convenience also rests with the Applicant given that even in the event where the Applicants do not succeed in the aforementioned Petition, all the agencies can continue to service persons with Aadhaar/UID but only not make UID/Aadhaar mandatory even as Petition is being heard or awaiting decision and subsequently re-engineer the systems to support Aadhaar/UID-based identity alone. On the other hand, if the Applicants were to succeed in getting the prayed-for relief in the aforementioned Petition and the Respondents are not disallowed from making UID/Aadhaar mandatory for any purpose, it is likely to lead to a situation in which all the schemes are re-engineered to support Aadhaar/UID-based identity alone and have to roll-back the entire re-engineering process following the decision in the Petition.

6. In these circumstances, it is just and necessary that the applicants be heard and permitted to place their pleadings and objections before this Hon'ble Court, before the scheme is made mandatory, causing irreparable infringement of their various fundamental rights, for Residents/citizens to enroll for access to any service provided by the Central Government or the State Governments or any Central or State Authority or Agency.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to :-

- (a) Pass a direction restraining the respondents and all its authorities from making enrollment to Aadhaar / UID or authentication through Aadhaar/UID or production of Aadhaar / UID mandatory till the disposal of the writ petition;
- (b) Pass a direction restraining the Government of India, and all authorities under them from issuing any Advertisement, Announcement, Press Release, Notification, notice to the public or notice in-person to any person in any form whatsoever that may have the effect of

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enrollment to Aadhaar / UID as mandatory for any purpose;

- (c) and pass such other or further order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY

(Vijay Kumar)
ADVOCATE FOR THE APPLICANT

NEW DELHI

DATED: 7.8.2013.

UIDAI

Unique Identification Authority of India
Planning Commission,
Yojana Bhavan,
Sansad Marg,
New Delhi 110001

WP-C no. 833/273

Demographic Data Standards and Verification procedure (DDSVP) Committee Report

Version 1.0
December 9, 2009

Prepared by: DDSVP Committee

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1 Introduction

UIDAI has been setup by the Govt. of India with a mandate to issue a unique identification number to all the residents in the country. UIDAI proposes to create a platform to first collect the identity details and then to perform authentication that can be used by several government and commercial service providers. A key requirement of the UID system is to minimize/eliminate duplicate identity in order to improve the efficacy of the service delivery. UIDAI has selected biometrics feature set as the primary method to check for duplicate identity. In order to ensure that an individual is uniquely identified in an easy and cost-effective manner, it is necessary to ensure that the captured biometric information is capable of carrying out the de-duplication at the time of collection of information. For government and commercial providers to authenticate the identity at the time of service delivery, it is necessary that the biometric information capture and transmission are standardized across all the partners and users of the UID system.

The Government of India, in the past, had set up a number of expert committees for standards to be used for various e-governance applications in areas of Biometrics, Personal Identification and location Codification Standards. These committees have worked out standards in the respective categories to be uniformly applied for various e-governance standards.

As UIDAI proposes to use common demographic data for establishing and verifying identity, it becomes essential to standardize these fields and verification procedure across registrars and to aid interoperability across many systems that capture and work with resident identity.

1.1 Definitions and Acronyms

- UID - Unique Identification
- UIDAI - Unique Identification Authority of India
- Authority - Unique Identification Authority of India (UIDAI)
- DDSVP - Demographic Data Standards and Verification Procedure
- KYR - Know Your Resident
- KYC - Know Your Customer
- PoI - Proof of Identity
- PoA - Proof of Address
- DIT - Department of Information Technology
- ORGI - Office of Registrar General of India
- VARCHAR - Variable character string as represented in a database. Unlike the fixed-size character type, VARCHAR does not store any blank characters at the end, reducing the size of a database when the full length of the field is not used.
- UNICODE - Globally accepted standard definition of local language characters in a computer system. Character sets defined by Unicode Consortium.
- UTF-8 - Unicode Transformation Format, most widely used storage encoding for any UNICODE data

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- Registrar – Any government or private agency that will partner with UIDAI in order to enroll and authenticate residents
 - Introducer – A person who is authorized to introduce a resident who does not possess any supporting documents in order to help them establish UID (see later section 3.3 for details)
 - Flag – a marker to indicate a particular status of a field

1.2 Committee Objective

A key requirement of the UID system is to capture necessary demographic data in a standardized manner so that this identity information works across various systems.

1. In order to achieve interoperability of data across various govt. and private agencies that will use the UID system, it is important that the capture and verification of basic demographic data for each resident is standardized across all partners of the UID system.
2. Another important aspect of demographic data collection is to ensure the correctness of the data at the time of enrolment of residents into the UID System. While an elaborate verification system based on local enquiries and existing documents issued by various agencies can be used to verify the correctness of the data to a large degree, it is likely to result into exclusion of poor and the marginalized who normally do not have any documents to prove their identity and addresses. As the main focus of the UIDAI is on inclusion, especially of the poor, the verification procedure has to be formulated in such a manner that while it does not compromise the integrity of the inputs, it also does not result in exclusion and harassment of the poor.
3. The government of India had set up expert committees for standards to be used for various e-governance applications in areas of Personal Identification, Biometrics, and Location Codification Standards. These committees have worked out few standards on the respective categories to be uniformly applied for various e-governance standards.
4. As UIDAI will use basic demographic data to establish identity and authentication, it becomes essential to review the applicability of the existing data and process standards for various e-Governance applications, modify them for UIDAI specific requirements and frame the methodology for its implementation.

In view of the above, a Demographic Data Standards and Verification Procedure (DDSV) Committee was setup vide OM No.63/DG-UIDAI/2009 dated 09/10/2009 (annexed to this report) to review the existing standards and modify/enhance/extend them so as to achieve the goals and purpose of UIDAI.

1.3 Committee Charter

- To Recommend the Demographic Data standards (The data fields and their formats/structure etc.) that will ensure interoperability and standardization of basic demographic data and their structure used by various agencies that use the UID system. This will necessitate the review of the existing standards of Demographic

Data and, if required, modify/extend/enhance them so as to serve the specific requirements of UIDAI and its partners.

- o To Recommend the Process of Verification of these demographic data in order to ensure that the data captured, at the time of enrolment of the Residents into the UID system, is correct.

1.4 Target Audience

Any person or organization involved in designing, testing or implementing UID system, UID compatible systems, or UID enrollment for the central government, state government, commercial organizations, or any users of the UID system.

2 KYR Demographic Data

2.1 Introduction

Purpose of UIDAI is to help Residents establish their identity. So, it is important that the KYR data is kept to a usable minimum so as to support goals of UID and avoid other profiling and transactional fields.

2.1.1 Names and Addresses

Names in India can be from a single word to many (sometimes even 5 or more) words long depending on the region, caste, religion, etc. A standardized structure for names needs to be created for common KYR and interoperability between various systems.

Similarly, we neither have a standardized address format nor have well defined geographic boundaries beyond villages. This creates issues when trying to map addresses in a standard way. Various forms issued by existing registrars vary greatly when it comes to capturing addresses. As part of this committee, address structure for residents will also be standardized.

2.1.2 UID Number Format

The rationale for adopting UID numbering scheme was explained to the committee by UIDAI which is given below:

UID number is a 12-digit number with no intelligence built into it – it should be a random number, with as few digits as possible to accommodate the identification needs of the population for the next 100-200 years. UID number will be assigned only after biometric de-duplication process of the data supplied by the registrars.

The following factors were considered in order to arrive at a design of the UID number.

1. The date-of-birth and other attribute information should not be embedded in the UID number. Similarly, place of birth/residence using administrative boundaries (state/district/taluk) should not be embedded in the UID number. When state/district IDs are embedded in the UID number, the number faces the risk of becoming invalid and misleading the authenticator when people move from place to place. It can also lead to profiling/targeting based on the region/state/district that a person is from.

The approach of storing intelligence in identification numbers was developed to make filing, manual search and book-keeping easier prior to the advent of computers. This is no longer necessary, since centralized database management systems can index the records for rapid search and access without having to section data by location or date of birth.

2. Given the rapid penetration of mobile phones and landlines across the country and across economic groups, the phone could become an enabling device used for authenticating a person, especially in the village scenario where internet penetration is still very small. In this case it would be useful to keep the UID number as a number rather than an alphanumeric.
3. Packing Density is the ratio of valid UID numbers issued to the total number of possible UID numbers available given a certain number of digits. The lower the packing density is, the more likely it is that a random guess will not produce a valid assigned UID number. In general it is suggested that we keep the packing density to about 20%.
4. The Authority intends to assign UID numbers to all residents - more than a billion people. UID number will not be re-used and hence numbering scheme need to accommodate necessary population growth over the years.

This committee has taken note of the above.

2.2 UID for Children

All children will be assigned a UID number. It is very important for several service organizations such as education and health to be able identify children uniquely in order to deliver services effectively. Children's fingerprints are not fully formed and, hence cannot be used for de-duplication given current state of technology.

Hence during enrollment, details of the parents are captured in order to link the child to established UIDs so that either of the parents can be used to authenticate the child. When the child's biometrics are well-formed (as per biometric committee recommendations), biometric capture will take place and the child will be de-duplicated to ensure the uniqueness of the child. Until the child is biometrically de-duplicated, their UIDs will be flagged as "De-duplication not performed".

2.3 Data Fields Summary

Information	Fields	Mandatory / Optional	Data Type
Personal Details	Name	Mandatory	Varchar (99)
	Date of Birth##	Mandatory	Date
	Gender	Mandatory	Char (1) - M/F/T
Address Details	Residential Address	Mandatory	8 address lines and pin code. See later sections for details.
Parent / Guardian Details	Father's/Husband's /Guardian's Name*	Conditional	Varchar (99)
	Father's/Husband's /Guardian's UID*	Conditional	Number (12)

	Mother's/Wife's /Guardian's Name*	Conditional	Varchar (99)
	Mother's/Wife's /Guardian's UID*	Conditional	Number (12)
Introducer Details	Introducer Name**	Conditional	Varchar (99)
	Introducer's UID**	Conditional	Number (12)
Contact Details	Mobile Number	Optional	Varchar (18)
	Email Address	Optional	Varchar (254)
## A flag is maintained to indicate if Date of Birth (DoB) is verified, declared, or approximate.			
* For infants, Father/Mother/Guardian's name (at least one) and UID is mandatory.			
* For children under a particular age, biometric de-duplication will not be done. Hence their UID will be flagged as such until they are biometrically de-duplicated at a later age (see section on UID for Children). Their UID will be linked to at least of the parent's UID.			
* For adults, Name of either Father/Husband/Guardian or Mother/Wife/Guardian is mandatory. But, an option will be provided to not specify in the case the adult is not in a position or does not want to disclose.			
** For residents with no document proof, an "introducer" should certify his/her identity. See later section on Introducer System.			

Table 1: Data Fields Summary

2.4 Data Fields in Detail

2.4.1 Unique ID

Field Name	UID
Data Type	Number (12)
Mandatory / Optional	Mandatory
Specification Owner	UIDAI
Valid Values and Default Value	---
Language Support	---
Description	Internal generated random number. Unique in the whole system.
Display and Print Specifications	Print and display format should be NNNN-NNNN-NNNN

2.4.2 Name of Resident

Field Name	NAME
Data Type	Varchar (99)
Mandatory / Optional	Mandatory
Specification Owner	DIT (MDDS Standard)
Valid Values and Default Value	---
Language Support	Yes. Other than English, it will also be stored in one official Indian language. Data storage will be based in UTF-8. An additional Indian language code (Indian language codes as

	specified under DIT standards) will also be maintained for transliteration purposes. Specific guidelines such as handling "matras" on hand-written forms will be provided by UIDAI as part of registrar on-boarding process.
Description	Name of the resident.
Display and Print Specifications	---

2.4.3 Date of Birth

Field Name	DOB
Data Type	Date
Mandatory / Optional	Mandatory
Specification Owner	DIT (MDDS Standard)
Valid Values and Default Value	---
Language Support	---
Description	Date of Birth of the resident.
Display and Print Specifications	Print and display format should be DD/MM/YYYY

2.4.3.1 Date of Birth Type

Field Name	DOB_TYPE
Data Type	Char (1)
Mandatory / Optional	Mandatory
Specification Owner	DIT (MDDS Standard)
Valid Values and Default Value	"V" - Verified (full DoB as per document) "D" - Declared (full DoB as declared by resident) "A" - Approximate (just the year, based on estimated age)
Language Support	---
Description	Flag used to indicate DoB type.
Display and Print Specifications	---

2.4.4 Gender

Field Name	GENDER
Data Type	Char (1)
Mandatory / Optional	Mandatory
Specification Owner	ORGI
Valid Values and Default Value	"M" - Male, "F" - Female, and "T" - Transgender
Language Support	---
Description	Gender of the resident
Display and Print Specifications	---

2.4.5 Residential Address

Field Name	RESIDENTIAL_ADDRESS
Data Type	Address (see address structure details below)
Mandatory / Optional	Mandatory
Specification Owner	Dept. of Post
Valid Values and Default Value	---
Language Support	Yes. Other than English, it will also be stored in one official Indian language. Data storage will be based in UTF-8. An additional Indian language code (Indian language codes as specified under DIT standards) will also be maintained for transliteration purposes.
Description	A verifiable address where resident lives normally.
Display and Print Specifications	Format should be (empty values/lines not printed): C/o Person Name Building Street Landmark, Locality Village/Town/City, District State - Pin Code

2.4.5.1 Address Structure

Address Field	Description	Data Type	Mandatory / Optional
CARE_OF	Field to capture "C/o" person name	Varchar (60)	Optional
BUILDING	Door/House/flat/Bldg number and name	Varchar (60)	Mandatory
STREET	Street number and name	Varchar (60)	Optional
LANDMARK	Major/Minor Landmark	Varchar (60)	Optional
LOCALITY	Locality/Area/Suburb /Sector/Block	Varchar (60)	Optional
VILLAGE_TOWN_CITY	Village/Town/City	Varchar (8) for code and Varchar (50) for name (stored as code*)	Mandatory
DISTRICT	District	Varchar (4) for code and Varchar (50) for name (stored as code*)	Mandatory
STATE	State	Varchar (2) for code and	Mandatory

		Varchar (50) for name (stored as code*)	
PINCODE	Postal code for an area	CHAR(6)	Mandatory
COUNTRY	Country. Currently not used on forms.	Varchar (3) for code and Varchar (50) for name (stored as code*)	Mandatory
* All region codes are based on "Land Codification" from ORGI			

2.4.6 Father/Husband/Guardian and Mother/Wife/Guardian Information

Field Name	NAME and UID
Data Type	Same as Name and UID
Mandatory / Optional	Name of either Father/Husband/Guardian or Mother/Wife/Guardian is mandatory for all. But, an option will be provided to not specify in the case the adult is not in a position or does not want to disclose. In the case of children, both Name and UID of at least one parent/guardian is mandatory.
Specification Owner	DIT (MDDS Standard)
Valid Values and Default Value	---
Language Support	Yes. Other than English, it will also be stored in one official Indian language. Data storage will be based in UTF-8. An additional Indian language code will also be maintained for transliteration purposes.
Description	Name and UID of parent/guardian.
Display and Print Specifications	---

2.4.6.1 Relationship Type

Field Name	RELATIONSHIP_TYPE
Data Type	Char (1)
Mandatory / Optional	Mandatory when Parent/Spouse/Guardian data is provided
Specification Owner	UIDAI
Valid Values and Default Value	"F" - Father, "M" - Mother, "H" - Husband, "W" - Wife, and "G" - Guardian
Language Support	---
Description	Flag used to indicate. Two separate flags will be stored in database - one for Father/Husband/Guardian and another for Mother/Wife/Guardian.
Display and Print Specifications	---

2.4.7 Introducer Information

Field Name	INTRODUCER_NAME and INTRODUCER_UID
Data Type	Varchar (99) and Number (12)
Mandatory / Optional	Optional
Specification Owner	UIDAI
Valid Values and Default Value	---
Language Support	---
Description	In the case of residents having no documents as proof, they can be "introduced" by any approved "introducer" (see KYR process chapter for details on introducer system). Both Name and UID will be captured in form although only Introducer UID will be stored against resident record.
Display and Print Specifications	---

2.4.8 Mobile Number

Field Name	RESIDENT_PHONE
Data Type	Varchar (18)
Mandatory / Optional	Optional
Specification Owner	DIT (MDDS Standard)
Valid Values and Default Value	---
Language Support	---
Description	Mobile phone number of the resident. This can be used for enhanced authentication and alerting. Landline also will be accepted if mobile number is not available.
Display and Print Specifications	---

2.4.9 Email Address

Field Name	RESIDENT_EMAIL
Data Type	Varchar (254)
Mandatory / Optional	Optional
Specification Owner	DIT (MDDS Standard)
Valid Values and Default Value	---
Language Support	Yes.
Description	Email address of resident.
Display and Print Specifications	---

3 KYR Verification Procedure

3.1 Introduction

It is essential that key demographic data is verified properly so that the data within UID system can be used for authentication of identity by various systems. There are 3 distinct methods of verification:

- Based on supporting documents
- Based on introducer system (see section 3.5 for details)
- Based on the NPR (National Population Register) process of public scrutiny

All the above forms of verification are acceptable for UID enrollment.

At a high level the 'Personal Details' and the 'Address Details' are mandatory, whereas the 'Parent/Guardian', 'Introducer' and 'Contact' details are optional or conditional.

In order to verify the correctness of certain mandatory fields, such as Name, date-of-birth and address, there is a concept of 'Proof of Identity' (PoI) and "Proof of Address" (PoA). PoI requires a document containing the resident's name and photograph, whereas the PoA contains the name and address.

3.2 Broad Principles of Verification

One of the key goals of the UID system is to be inclusive and ensure every resident is able to establish their identity. There are certain key principles that verification procedure will follow to ensure inclusiveness without compromising data quality.

1. Ease of access
2. No harassment
3. No discrimination
4. No corruption
5. No exclusion

3.3 Verification Summary

Information	Fields	Verification Required?	Verification Procedure
Personal Details	Name	Yes	<ul style="list-style-type: none"> o Any of the PoI documents. o Introducer for people who have no documents.
	Date of Birth##	No	---
	Gender	No	---

Address Details	Residential Address (for UID letter delivery and other communications)	Yes	<ul style="list-style-type: none"> Any of the PoA documents. Introducer for people who have no documents. Address will be physically verified during UID letter delivery. But, resident's physical presence not required during letter delivery.
Parent / Guardian Details	Father's/Husband's /Guardian's Name*	Conditional	<ul style="list-style-type: none"> No verification of Father/Husband/Guardian in the case of adults.
	Father's/Husband's /Guardian's UID*		
	Mother's/Wife's /Guardian's Name*	Conditional	<ul style="list-style-type: none"> No verification of Mother/Wife/Guardian in the case of adults.
	Mother's/Wife's /Guardian's UID*		
Introducer Details	Introducer Name**	Yes	<ul style="list-style-type: none"> Introducer's Name, UID on the form. Physical presence of the introducer at the time of enrollment may not be practical. UIDAI will therefore suggest alternate methods to overcome this practical difficulty.
	Introducer's UID**		
Contact Details	Mobile Number	No	---
	Email Address	No	---
## A flag is maintained to indicate if Date of Birth (DoB) is verified, declared, or approximate.			
* For infants, Father/Mother/Guardian's name (at least one) and UID is mandatory.			
For adults, Name of either Father/Husband/Guardian or Mother/Wife/Guardian is mandatory.			
** For residents with no document proof, an "introducer" should certify his/her identity. See later section on Introducer System.			

Table 2: Process Summary

3.4 KYR Guidelines

Following are the main guidelines for KYR process.

- Uniform process - A uniform procedure for KYR process & verification to be followed by each registrar that is easy to implement. Once a resident obtains a UID from any one of the registrars in the UID ecosystem; all other registrars will honor the validity of the UID fields obtained through the KYR process described in this document. This can eliminate cost involved in repeated KYR verification by several registrars.

- **Multiple options for supporting documents** - Applicants will be given a choice of supporting documents that they can produce as PoI and PoA. See later sections for supported list of documents.
- **Lack of Supporting Documents** - A process for enrolling residents who have no documented PoI and PoA must be defined through a concept of "Introducer". For details, please see section on Introducer System.
- **Supporting documents in regional languages** - The UID backend system will support the capture and storage of data in 2 languages - English and one official Indian language. Enrolling agencies must be prepared to verify and accept supporting documents that carry information in local languages.
- **Archiving Form & Supporting Documents** - Clarity in how the forms and supporting documents are archived for later access (dispute resolution, error in data entry etc) should be defined and followed across all enrolling registrars. Detail guidelines regarding this will be issued by UIDAI separately.
- **Accepting changes in demographic information** - Some of the fields captured during UID enrollment could change - such as Name and address. An update process will be supported in order to facilitate this. Upon following this process, the registrars will accept changes in demographic details. See later sections for details.

3.5 Introducer System

There are several situations, especially in the case of poor, where they are unable to provide any supporting documents. Since the main goal of UIDAI is inclusion, it is important that an effective process is developed to identify them and give a UID number without harassment.

An approach is to use a network of "approved" introducers who can introduce a resident and vouch for the validity of resident's information.

Essentially, this idea has been borrowed from the account opening procedure in the banks. When someone opens an account in the bank without any proofs, he/she needs an "introducer". This introducer is someone who already has an account in the branch and is ready to certify that X who wants to open the account is indeed X. Logically, then a branch has a chain of introducers. Every account that has been introduced is linked to the introducer.

This analogy needs to be generalized and expanded to become applicable to UID registration process. In the UID registration process, registration is proposed to be done through various registrars like the Banks, Insurance Companies, Central and State Government Departments. In each of these institutions, the introducer concept will work like a "tree structure" where one introducer may introduce more than one person. However, someone needs to be the first introducer and be the "root" of this tree. The person at the root will be the person who will be "self-introduced". In other words, that

person will be initially registered without any introducer. He will then introduce and get a number of persons registered. This process will then continue.

As an example, in a registration process where State's Rural Development Department is the registrar and NREGA is the scheme whose beneficiaries are being registered. In this process, the District Magistrate (or the Deputy Commissioner) can "self-introduce" and become the root of the introducer tree. He/She will introduce his/her BDOs and the Block Panchayat heads (known as Block Pramukhs in some states) who implement NREGA. Each of these BDOs and Block Pramukhs can introduce other people at the Panchayat level like the Panchayat Sewaks, Pradhans/Mukhias (elected Panchayat Head), and ward members (in a village Panchayat). Generally, the last category will reach down to the village level. However, in order to ensure that the enrolment process is not hampered by the lack of approved introducers at the ground level, each registrar should have the freedom to decide on the issue of approved introducers so as to ensure that there are people at the ground level who are able to introduce the people who want to enroll in the UID system.

Similarly in a banking environment, senior bank officials will be able to introduce the lower functionaries and this will go down to the customer level.

In effect, there will be several approved 'introducers' who can help residents without supporting documents to enroll for a UID. Having multiple introducers within and outside government agencies should provide a needy resident access to people who can assert their identity while minimizing harassment. However, the concept of inclusiveness should not take away the credibility of the introducer system. As of now, offenses of impersonation (by the person) or abatement of this offense (by the introducer) should therefore be dealt with within the existing legal framework. However, UIDAI should put in place its own legal framework to deal with such situations as early as possible.

3.5.1 Goals of Introducer System

- Provide every resident having no documented proofs to provide an alternate method to confirm their identity and address.
- Ensure availability of multiple introducers so that residents are not being harassed by a single person.
- Since registrars provide the list of introducers, ensure that the introducer network spans people from Govt. and Private (e.g., Banks) and NGO agencies.
- Avoid disputes and fraud by making sure that introducers have their UID created before becoming an introducer and all introducers must be registered as such.

3.5.2 Broad Guidelines for Creating Introducers List

This section covers broad guidelines that can be used by registrars for creating a list of introducers within their domain. Following are some of the guidelines:

- The list of approved introducers should go down till the village/customer level so that the process of registration is not hampered due to lack of introducers.

- The registrars need not keep the hierarchy of approved introducers limited to their own department/organization. As an example, in NREGA, there are a number of NGOs involved in NREGA social audit and the registrars could make some of the representatives of these NGOs who work at the village level as the approved introducers. Similarly, the village teachers and postman could also be incorporated as approved introducers by state Governments if required.
- At the ground level, residents should have access to multiple introducers so as to avoid harassment by a single introducer.
- Introducer list should include credible organizations which have traditionally been advocates of vulnerable communities to make sure goal of inclusion is truly achieved.

3.5.3 Introducer System in Detail

As discussed earlier, UIDAI will request registrars to provide a list of people who can act as trusted introducers within their ecosystem. It is highly recommended that this list includes people from both government and private enterprises including NGOs if necessary so that residents get a choice of people to approach for getting the introduction done. UIDAI may also provide its own list of introducers to make the pool of introducers large enough.

All introducers are required to be enrolled into UID system and obtain their UID number before they can become an introducer. This helps in effectively auditing all introductions.

Residents with no document proofs can approach any of the introducers enlisted to assert their identity. Residents are required to fill up the enrollment form and take it to one of the introducers for getting introduced. Introducer will verify the information filled, fill up his/her name and UID, and put thumb impression within the specified area of the form.

UIDAI should, in consultation with its various Registrars, come out with a detailed policy and guideline for the Introducer. This will be in the form of a Manual to be followed by the various stakeholders.

3.6 Supporting Documentation

During enrolment, the quality of data has to be ensured primarily with supporting documents that the resident provides. Copies of documents provided will be verified against the original. Physical copies of the documentary evidence will be stored by the Registrar and available for audit by the designated audit agencies.

In the case of residents with no documentation, introducer system can be used to enroll them into the system.

UIDAI and Registrars shall have the authority to amend and enlarge the list of PoI and PoA documents as and when necessary.

3.6.1 Proof of Identity (PoI) Documents

Proof of Identity document **must contain name and photo** of the resident. Any of the following PoI documents are supported:

Supported PoI Documents Containing Name and Photo	
1. Passport	
2. PAN Card	
3. Ration/PDS Photo Card	
4. Voter ID	
5. Driving License	
6. Government Photo ID Cards	
7. NREGS Job Card	
8. Photo ID issued by Recognized Educational Institution	
9. Arms License	
10. Photo Bank ATM Card	
11. Photo Credit Card	
12. Pensioner Photo Card	
13. Freedom Fighter Photo Card	
14. Kissan Photo Passbook	
15. CGHS / ECHS Photo Card	
16. Address Card having Name and Photo issued by Department of Posts	
17. Certificate of Identity having photo issued by Group A Gazetted Officer on letterhead	

Table 3: PoI Documents

NOTE: If any of the above documents submitted do not contain the photograph of the resident, then it will not be accepted as a valid PoI. In order to be inclusive and free of harassment, documents with older photographs are acceptable.

3.6.2 Proof of Address (PoA) Documents

Proof of Address document **must contain name and address** of the resident. Any of the following PoA documents are supported:

Supported PoA Documents Containing Name and Address	
1. Passport	
2. Bank Statement/Passbook	
3. Post Office Account Statement/Passbook	
4. Ration Card	
5. Voter ID	
6. Driving License	
7. Government Photo ID Cards	

8. Electricity Bill (not older than 3 months)
9. Water Bill (not older than 3 months)
10. Telephone Landline Bill (not older than 3 months)
11. Property Tax Receipt (not older than 3 months)
12. Credit Card Statement (not older than 3 months)
13. Insurance Policy
14. Signed Letter having Photo from Bank on letterhead
15. Signed Letter having Photo issued by registered Company on letterhead
16. Signed Letter having Photo issued by Recognized Educational Institution on letterhead
17. NREGS Job Card
18. Arms License
19. Pensioner Card
20. Freedom Fighter Card
21. Kissan Passbook
22. CGHS / ECHS Card
23. Certificate of Address having photo issued by MP or MLA or Group A Gazetted Officer on letterhead
24. Certificate of Address issued by Village Panchayat head or its equivalent authority (for rural areas)
25. Income Tax Assessment Order
26. Vehicle Registration Certificate
27. Registered Sale / Lease / Rent Agreement
28. Address Card having Photo issued by Department of Posts
29. Caste and Domicile Certificate having Photo issued by State Govt.

Table 4: PoA Documents

3.6.3 Proof of Date of Birth (DoB) Documents

Proof of DoB document must contain name and DoB of the resident. Any of the following documents are supported:

Supported Proof of DoB Documents

1. Birth Certificate
2. SSLC Book/Certificate
3. Passport
4. Certificate of Date of Birth issued by Group A Gazetted Officer on letterhead

Table 5: Proof of DoB Documents

3.7 KYR Process

3.7.1 Verifying Name

Name must be verified against any one of the PoI documents listed. A copy of PoI should be kept as part of enrollment and verification should be done against the original document.

In the case of resident not having a valid PoI document, resident should furnish the form signed by any of the approved introducers.

3.7.2 Verification for Name Change

Residents may want to change his/her name due to various reasons. Name change should be verified against documents. Following are the reasons and verification method for supporting name changes.

Marriage

Women may want to change their name after marriage. In this case, a copy of the marriage certificate or any acceptable proof of marriage as approved by the registrar should be provided and should be verified against original documents.

Any Other

Residents may change their name for other reasons such as self-wish, religion change, numerology, etc. In all these cases, they should provide a copy of legal name change certificate and it should be verified against the original document.

3.7.3 Verifying DoB

Date of Birth should be verified against any of the Proof of DoB documents listed above. Copy of the document should be verified against the original.

In the case of lack of documents, an approximate DoB may be taken and marked as so.

3.7.4 Verifying Address

The addresses will be verified against any one of the PoA documents listed. A copy of PoA document should be kept as part of enrollment and verification should be done against the original document.

In the case of resident not having a valid PoA document, resident should furnish the form signed by any of the approved introducers.

3.7.5 Verification for Address Change

Residents can update their address through any of the enrolling registrars. Process for address verification is same as described above.

3.7.6 Verifying Parents/Spouse/Guardian Information

In the case children, "Name" and "UID" of one of the parents or guardian is mandatory. Parent/Guardian must bring their UID letter when enrolling children (or they can be enrolled together) and should be verified.

In the case of an adult, no verification will be done for the information on parent or spouse. They are recorded for internal purposes only.

3.7.7 Making Corrections to Initial Data

In the case of mistakes such as spelling errors, address errors, etc. resident should be able to come back and request such corrections. Enrolling agencies should allow making those changes based process similar to initial KYR.

3.8 Exceptions Handling

There are likely to be several types of exceptions during enrolment process that need to be handled. Following list provide the common exceptions and appropriate verification method.

Exception	Process
DoB Unknown	Record estimated year of birth leaving date and month fields. DoB Type flag set to "Approximate".
Inconsistent Address in PoA document	Quite like name spelling errors, address too is likely to have a large number of inconsistencies across documents. Addresses must be mapped appropriately onto the standard KYR address fields as per specification.
Absence of original documents	In instances where original documents are not available, copies attested / certified by a public notary / gazetted officer will be accepted.

Table 6: KYR Exceptions List

UIDAI shall have the right to alter / amend the guidelines in this regard from time to time.

4 References

1. **"Person Identification Codification (MDDS), Version 1.02"** – by Expert Committee on Metadata and Data Standards, DIT (<http://egovstandards.gov.in/>).
2. **"Land Region Codification, Version 1.02"** – by Expert Committee on Metadata and Data Standards, DIT (<http://egovstandards.gov.in/>).
3. **"Master Circular – Know Your Customer (KYC) norms"** – by RBI (http://rbidocs.rbi.org.in/rdocs/notification/PDFs/73IKYC010709_F.pdf)
4. **"UPU S42 International Address Standard"** – by UPU (<http://www.upu.int/>). Also see the reference article at <http://xml.coverpages.org/ni2003-06-17-a.html>
5. **"Customer Information Quality Specifications Version 3.0"** – by OASIS (<http://docs.oasis-open.org/ciq/v3.0/specs/ciq-specs-v3.html>)
6. **"Markup Languages for Names and Addresses"** – OASIS Cover Pages (<http://xml.coverpages.org/namesAndAddresses.html>)

5 Members

5.1 DDSVP Committee

S.No.	Name & Designation	Role
1	Mr. N. Vittal, Former CVC	Chairman
2	Mr. S. R. Rao, Additional Secretary, DIT	Member
3	Dr. C. Chandramauli, RGI	Member
4	Mr. K. Raju, Principal Secretary, Rural Development, GoAP, Hyderabad	Member
5	Dr. DS Gangwar, Jt Secy., Min of Rural Development, New Delhi	Member
6	Shri Ram Narain, DDG(Security), Dept. of Telecommunication	Member
7	Mr. Vinay Baijal, CGM (DBoD), RBI, Mumbai	Member
8	Mr. VS Bhaskar, Commissioner & Secretary, Health & FW, IT, Sports & Youth Welfare, Government of Assam, Guwahati	Member
9	Mr. S. Satpathy, Secretary, Rural Development, Govt of Jharkhand, Ranchi	Member
10	Ms. Kalpana Tiwari, Department of Posts	Member
11	Prof. Bharat Bhaskar, IIM, Lucknow	Member
12	Mr. Ashutosh Dixit, Jt. Secretary (TPL II), Dept. of Revenue	Member
13	Ms. Madhavi Puri Buch, ICICI Securities, Mumbai	Member
14	Dr. Gayathri V., CEO LabourNet	Member
15	Mr. Ram Sewak Sharma, DG UIDAI	UIDAI Rep.
16	Mr. Srikanth Nadhamuni	UIDAI Rep.
17	Dr. Pramod K. Varma	UIDAI Rep.

5.2 KYR Data Sub-committee

S.No.	Name & Designation	Role
1	Shri S.R. Rao, Additional Secy. DIT	Chairman
2	Shri Ashutosh Dixit, JS Dept. of Revenue	Member
3	Shri Chakravarty DDG, RGI Office	Member
4	Dr. D.S. Ganwar, JS, MoRD	Member
5	Shri V.S. Bhaskar, Commissioner and Secy, Health and Family welfare, Govt. of Assam	Member
6	Ms. Renu Bhudiraja, Director, DIT	Member
7	Ms. Aruna Chaba, Senior Technical Director, NIC	Member
10	Shri Ram Sewak Sharma, DG UIDAI	UIDAI Rep.
11	Shri Srikanth Nadhamuni	UIDAI Rep.
12	Dr. Pramod K. Varma	UIDAI Rep.

5.3 KYR Process Sub-committee

S.No.	Name & Designation	Role
1	Ms. Kalpana Tiwari, India Post	Chairman
2	Shri Ram Narain, Joint Secy. DoT	Member
3	Dr. D.S. Ganwar, JS, MoRD	Member
4	Shri V.S. Bhaskar, Commissioner and Secy, Health and Family welfare, Govt. of Assam	Member
5	Shri Ashutosh Dixit, JS Dept. of Revenue	Member
6	Prof. Bharat Bhaskar, IIM Lucknow	Member
10	Shri Ram Sewak Sharma, DG UIDAI	UIDAI Rep.
11	Shri Srikanth Nadhamuni	UIDAI Rep.
12	Dr. Pramod K. Varma	UIDAI Rep.



9.12.2009

(N. Vittal)
Chairman, DDSVP Committee

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 833 OF 2013
(Under Article 32 of the Constitution of India)

WITH

INTERLOCOUTORY APPLICATION NO. 1
(Application for Direction)

AND

INTERLOCOUTORY APPLICATION NO. ...
(Application for permission to file Additional Documents)

Ms. Aruna Roy & Anr.

...Petitioners

Versus

Union of India & Ors.

...Respondents

OFFICE REPORT

The Writ Petition above-mentioned is filed by Mr. Vijay Kumar, Advocate for the Petitioner on 07.08.2013 praying therein to:-

“(i) Issue a Writ, order or direction in the nature of a Mandamus declaring the implementation of the UID scheme dated April 2010 in its present form as violating the fundamental rights of citizens and hence illegal and unconstitutional;

(ii) Issue a Writ, order or direction restraining the Respondents no. 4 from implementing the Unique Identification Authority of India (UIDAI) till such time statutory framework with adequate safeguards which adequately protects the various fundamental rights of the citizens in put in place;

(iii) Direct the Central/State Governments to continue with the existing social welfare schemes and not to link it the same with UID till the disposal of the present writ petition. ”

It is submitted that Writ Petition(C) No. 494 of 2012 entitled 'Justice K.S Puttaswamy(Retd.) & Anr. Versus Union of India & Ors.' arising out of similar point of law was listed before the Hon'ble Court on 30.11.2012, when the Court directed to issue Notice and the same was lastly listed on 23.09.2013 (Copy of the Orders dated 30.11.2012, 23.09.2013 are enclosed herewith for the kind perusal of Hon'ble Court).

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It is further submitted that Writ Petition(C) No. 829 of 2013 entitled 'S.G. Vombatkere Versus Union of India & Ors.' arising out of similar point of law was listed before the Hon'ble Court on 23.09.2013, when the Court directed to issue Notice.

It is submitted that Mr. Vijay Kumar, Advocate for the petitioner has on 20.09.2013 filed Annexure P-8 as per his undertaking dated 09.12.2009 and the same stands included in the Paper Books.

It is lastly submitted that Mr. Vijay Kumar, Advocate for the petitioner has on 30.09.2013 filed Additional Documents alongwith Application for permission to file Additional Documents but the same is defective as in the para(2) of the affidavit it is stated that the application for direction and other applications are true to the best of his knowledge but no application for direction and other application has been filed and Most of the pages of the annexures are in small font. He has been informed vide this Registry's letter dated 04.10.2013. However, the additional document alongwith unregistered application for permission to file additional document is being circulated before the Hon'ble Court.

The Writ Petition alongwith applications above-mentioned is listed before the Hon'ble Court with this Office Report for orders.

Dated this the 5th day of October, 2013.

Sd/ -
Assistant Registrar

ITEM NO.18

COURT NO.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.494 OF 2012
(For Prel. Hearing)

JUSTICE K.S.PUTTASWAMY (RETD) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With appln(s) for ex-parte stay)

Date: 30/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.
Mr. Kylasanatha Pillay, Sr. Adv.
Mr. Rajeev Kumar Singh, Adv.
Mr. Ranbir Singh, Adv.
Mr. Sanjay Kumar Yadav, Adv.
Mr. Anikit Goel, Adv.
Mr. Rishi K.S. Gautam, Adv.
Ms. Deepshikha Bharati, Adv.
Mr. Anish Kumar Gupta, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

Issue notice on the writ petition as also
on the prayer for interim relief.

Leave is given to the petitioners to add
additional grounds.

[T.I. Rajput]
A.R.-cum-P.S.

[Juginder Kaur]
Assistant Registrar

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.

Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamshery, Adv.

Mr. Rajeev Kr. Singh, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, Adv.

Mr. Gaurav Nair, Adv.

for M/s. K.J. John & Co.

For Respondent(s)

Mr. Mohan Parasaran, SG

Mr. L. Nageshwar Rao, ASG

Mr. Farrukh Rasheed, Adv.

Mr. Alok Mishra, Adv.

Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following
O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)
Court Master

(M.S. NEGI)
Court Master

(Signed order is placed on the file)

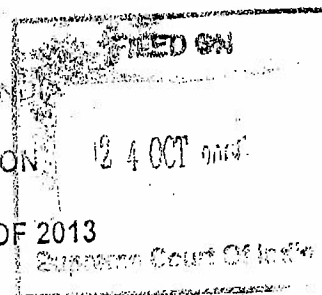
LISTED..... 29/10/13
BEFORE COURT No. 4
ITEM No. 3

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 833 OF 2013



IN THE MATTER OF:

Ms. ARUNA ROY

... Petitioner

Versus

UNION OF INDIA & ORS.

... Respondent

COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENT NO. 3

I, Raj Pal Singh S/o Shri Khajan Singh, Director, Planning Commission, Yojana Bhavan, New Delhi do hereby solemnly affirm and declare on oath as under:

1. That I am working as Director in the Planning Commission and have been authorized to swear this affidavit. It is stated that, I am well conversant with the facts and circumstances of the case as such, competent to sign and swear the present affidavit.
2. That the contents stated in the present Writ Petition (Civil) are mischievous and have been filed in ignorance of the well established principle of Constitutional law and the law laid

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down by this Hon'ble Court in a number of judgments and hence the same is not maintainable in the eyes of law.

3. That the present Writ Petition in the guise of the Public Interest Litigation is without any basis and therefore, the contents and averments stated in the present Writ Petition are denied unless specifically admitted by the answering deponent.
4. That the present Writ Petition (Civil), neither raises any question of law pertaining to the Constitution of India which needs interpretation of this Hon'ble Court nor substantiates as to how using the Aadhaar Number for welfare to the residents of India on a voluntary basis amounts to an invasion of the Right to Privacy guaranteed to the subject/s under Article 21 of the Constitution of India. It is submitted that the present writ petition fails to disclose the infringement of the Fundamental Right enshrined under Part III of the Constitution of India and hence is not maintainable under Article 32 of the Constitution of India and therefore, fit to be dismissed with exemplary cost.
5. That the Present Writ Petition filed by the Petitioner does not deal with the well established principle of law laid down by this Hon'ble Court in a catena of the judgment/s with regard to the question raised in the instant petition, and therefore, the respondent craves leave of this Hon'ble Court to deal with the

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same in the backdrop of the background/history of the establishing the Unique Identification Authority of India (UIDAI) through a Notification.

66. PARAWISE REPLY:

6.1 That with regard to relevant paragraphs of the Writ Petition:

i) That as per information furnished by RGI, NPR, Ministry of Home Affairs, the need for creation of a credible citizen database having a system of secure form of personal identification of individuals has acquired importance due to a variety of reasons which include:

- (a) changing security scenario in the country,
- (b) realization for better targeting of services and benefits under different schemes of government, and
- (c) increasing identity frauds

ii) That in 2000 a Group of Ministers (GoM) was constituted to review the National Security System in its entirety and, in particular, to consider the recommendations of the Kargil Review Committee (KRC) and formulate specific proposals for implementation, which had recommended the following in Para 5.110 of its Report on 'Reforming the National Security System':

"Illegal migration has assumed serious proportions.

There should be compulsory registration of citizens and

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non-citizens living in India. This will facilitate preparation of a national register of citizens. All citizens should be given a Multi-Purpose National Identity Card (MPNIC) and non-citizens should be issued identity cards of a different colour and design. This should be introduced initially in the border districts or may be in a 20 Kms border belt and extended to the hinterland progressively. The Central Government should meet the full cost of the identity card scheme."

The recommendation of GoM was accepted by the Government in May, 2001.

- iii) That as a follow up of this, Citizenship Act, 1955 was amended (notified on 7.1.2004) by inserting Section 14 A which provided that 'the Central Government may compulsorily register every citizen of India and issue national identity card to him'. The Registrar General, India has been designated as the National Registration Authority / Registrar General of Citizen Registration under the Act. The complete procedure for implementing the scheme has been laid down in the Citizenship (Registration and Issue of National Identity Cards) Rules, 2003, which provide the administrative hierarchy required for the same. The scheme was conceived with a view to determine the citizenship of all those living in the country by applying the provisions of Citizenship Act, 1955 and amendments made to it from time to time.

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- iv) That to test check feasibility of the processes, choice of technology and the methodology laid-down, a pilot project was undertaken for implementation in selected areas in 12 States and 1 Union Territory encompassing a population of 30.96 lakhs.
- v) That following the experience of the pilot project, the proposal for the national roll-out by upscaling the approach adopted was recommended and presented to the Committee of Secretaries (COS) in October, 2006. The proposal envisaged setting up of about 6000 MNIC Centres at tensil/ block levels with 2 Central Government officials at each centres (12,000 persons in all) besides provision for a secure "cyber-space" for creation of NPR, handling and transmission of data between the local service centres and national data centres. The implementation of the project was proposed on a Mission Mode basis, with the proposal for issuance of national identity cards only in strategic areas and on demand and on payment basis in other areas. The COS was apprised about the Unique Identification Number (UID) scheme of the Department of Information Technology (DIT) for creation of a residents' database based on the electoral rolls database of Election Commission of India to facilitate better targeting of services under various Government Schemes/Programmes.

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vi) That the concept of a unique identification was first discussed in 2006 when administrative approval for the project - "Unique ID for Below Poverty Line (BPL) families" was given on 3rd March, 2006 by the Department of Information Technology, Ministry of Communications and Information Technology. Subsequently, a Processes Committee to suggest processes for updation, modification, addition and deletion of data fields from the core database to be created under the Unique ID for below BPL project was set up on 03 July 2006.

vii) That the COS had considered the proposal and noted that determination of citizenship was an involved and complicated manner. Therefore the UID scheme might go forward by creating a resident database based on electoral rolls and assigning a unique identity number to each resident. The rest of the population be covered during Census 2011 to prepare the National Population Register (NPR). An Empowered Group of Ministers (E-GoM) would be setup to decide on collation of the two schemes; MNIC of MHA and UID of DIT.

viii) That a "Strategic Vision on the UIDAI Project" was prepared and submitted to this Committee by M/S Wipro Ltd (Consultant for the design phase and program management phase of the Pilot UIDAI project). It envisaged the close linkage that the UIDAI would have to the electoral database. The Committee also appreciated the need of a UIDAI Authority to be created

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by an executive order under the aegis of the Planning Commission to ensure a pan-departmental and neutral identity for the authority and at the same time enable a focused approach to attaining the goals set for the XI Plan. The Seventh Meeting of the Process Committee on 30th August 2007 decided to furnish to the Planning commission a detailed proposal based on the resource model for seeking its "in principle" approval. A true copy of UIDAI Project is annexed herewith this Affidavit as Annexure-R-I.

ix) That the Prime Minister constituted an empowered group of Ministers (EGoM) on 4th December, 2006 to, inter alia, look into the methodology and specific milestones for early and effective completion of the Project and take a final view on these. At the first meeting of the EGoM held on 27th November, 2007, the need for creating an identity related resident database and identify and establish an institutional mechanism that will "own" the database and will be responsible for its maintenance and updating on an ongoing basis post its creation was recognised.

x) That at the second meeting of the EGoM held on 28th January 2008, the proposal to establish UIDAI Authority under the Planning Commission was approved. The EGoM gave 'in principle' approval to the proposed strategy in which UID scheme would be undertaken for implementation first using

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the existing data bases. Further it was decided that the UID number shall be allotted to all those in the database. Later, data collection for the persons in the country along with their photographs and finger biometrics to create the National Population Register (NPR) at the 2011 Census. The NPR so created would be managed with the UID data base. The UID authorities would be established under the Planning Commission at the Centre and the State levels for managing the UID data base including its continuous updating.

- xi) That the Planning Commission placed before the EGoM a detailed proposal for setting up UIDAI at the third meeting of the EGoM held on 7th August 2008. EGoM referred the matter to a Committee of Secretaries to examine and give its recommendations to the EGoM to facilitate a final decision.
- xii) That subsequent to the Committee of Secretaries recommendations, the fourth meeting of the EGoM was held on 4th November, 2008, wherein, it was decided that UIDAI may be notified as an executive authority and investing it with statutory authority could be taken up for consideration later at an appropriate time (A true copy of the minutes of meeting dated 4.11.2008 is annexed herewith this Affidavit as Annexure-R-II.).

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xiii) That Unique Identification Authority of India was constituted and notified by the Planning Commission on 28th January, 2009 as an attached office under the aegis of Planning Commission. The role and responsibilities of the UIDAI was laid down in this notification. The UIDAI was given the responsibility to lay down plan and policies to implement UIDAI scheme and shall own and operate the UIDAI database and be responsible for its updation and maintenance on an ongoing basis. A true copy of the Notification dated 28.1.2009 is annexed herewith this Affidavit as Annexure-R-III.

xiv) That the issue of allowing UIDAI to function under executive instructions has already been considered by the Ministry of Law and Justice and Attorney General's opinion is clear that UIDAI can continue to enroll and perform its functions under executive instructions. A true copies of the opinion rendered by Law Ministry and Learned Attorney General are annexed herewith this Affidavit as Annexure-R-IV. The UIDAI could step up enrolment in the States allotted to it, quickly complete enrolment in certain districts and States where Aadhaar could be then deployed as a platform for delivery of public services and demonstrate the utility of Aadhaar as a major governance tool. Once the utility of Aadhaar is established, many apprehensions that have been raised by the Standing Committee would get addressed to a

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considerable extent. It would be easier for the Government to ensure passage of the Bill in the Parliament once the benefits of Aadhaar are demonstrated on the ground.

xv) That the Unique identification project was conceived to provide a unique identification number as a proof of identity to each resident across the country. Before the advent of UID Project, there has been no single document which was uniformly acceptable as a proof of identity across India, irrespective of age, gender and familial connections. It was recognised that the inability to prove identity is one of the biggest barriers preventing the poor from accessing benefits and subsidies. The aim is to ensure enrolment of children, differently-abled persons, the poor and marginalised for many of whom Aadhaar may be the first form of identification so as to facilitate an inclusive development trajectory.

xvi) That the Aadhaar number is a 12-digit random number devoid of any classification based on caste, creed, religion and geography. The number will be stored in a centralized database and linked to the basic demographics and biometric information – photograph, ten fingerprints and iris – of each individual. The number can be verified and authenticated in an online, cost-effective manner, which is robust enough to eliminate duplicate and fake identities. So far, the identification procedures available were not robust. Existence of a rich

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database of UID numbers will provide the Government with the possibility to put in place a formal process of de-duplication. Having such a process in place is likely to improve targeting of beneficiaries, curb pilferage and eliminate waste.

xvii) That in a meeting held on 25th January, 2012, under the chairmanship of Hon'ble Prime Minister, it was agreed that in those States where UIDAI had made progress in enrolment, UIDAI would complete its enrolment and list of States was finalised accordingly. The total population covered under UIDAI was 61.15 crore. In view of this UIDAI was allowed to enrol 60 crore number by EFC which was formally approved by the Cabinet Committee on UIDAI in its meeting on 27th January, 2012.

xviii) That the Government spends huge amount of resources on provision of benefits and services to its people with the objective to promote inclusive development. For example, during 2013-14, Budget Estimate for Total Expenditure is Rs. 16,65,297 crore out of which Plan Expenditure is Rs. 5,55,322 crore. A very large number of residents, primarily the poorest are not able to access these services and benefits intended for them for want of being able to prove their identity to service providers and agencies that dispense them. Provision of proof of identity in the form of Aadhaar will in turn provide the marginalised and vulnerable sections of the society access to

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these services and benefits. By weeding out fake beneficiaries, Government will not only be able to make substantial savings but will also allow it to channelize the huge amount of Plan funds of the Government to the intended beneficiaries. Usage of Aadhaar can act as an important tool for effective monitoring of various programs and schemes of the Government.

6.2 In the aforementioned facts and circumstances of the case, more particularly, in view of the well established principles of law by this hon'ble Court in a catena of the judgments dealt with herein above, the prayer clause of the Writ Petition is disputed and denied. Therefore, it is respectfully prayed that the present Writ Petition be dismissed with costs.

DEPONENT

VERIFICATION:

Verified by me on this day of 2013 that contents of the aforesaid Counter Affidavit are true and correct to my knowledge so derived from the official records. No part of it is false and nothing material has been concealed there from.

DEPONENT

Filed By
D.S. Mahajan
C.A.S.
23386256

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ANNEXURE - R-I

WIPRO
Applying Thought

STRATEGIC VISION
UNIQUE IDENTIFICATION OF RESIDENTS

Strategic Vision

NISG National Institute for Smart Government
Strategic Planning-Project Consulting-Capacity Building

Department of Information Technology
Ministry of Communications & Information Technology
Government of India

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Preface

Project Unique Identification is a Planning Commission, Government of India (GoI) initiative, steered by the Department of Information Technology – GoI, with the objective of creating a central database of information on residents and assigning a Unique Identification (UID) number to each resident in the country, as the basis for efficient delivery of welfare services.

UID would authenticate every person's enlistment for government services and benefits through a single centralized system rather than each government department or agency investing in infrastructure, systems and procedures for identifying residents under its schemes, individually and independently. UID would facilitate as common proof for residence and identity over period of time.

To this end, the project envisages incorporating UIDA as part of existing databases thereby providing linkages with all such databases to the central UID database, as well providing for future additions to the content-fields of the database by the user-agencies as per their requirements.

One of the key advantages envisaged as an outcome of the project is that the Unique ID will help in reducing identity-related frauds and allow only targeted persons to avail benefits from the government.

Given the diversity in requirements of the user-agencies a Vision Workshop was held to brainstorm on the UID initiative and provide inputs for the Project, on 21 November 2006. The workshop examined similar initiatives being implemented at the State level, discussed the vision, and mission for the project (detailed in this document) and arrived at a common understanding of the purpose of, and approach to, the Process Study. This document is intended to lay down the Strategic Intent for the initiative based on the summarization of the deliberations of the vision workshop and various Central and State Government Departments.

Implementing agencies, for the proposed initiative, include NICSI/NIC, as the technical solution provider for the creation, generation and operation of the central UID database and Wipro, as consultants to the Process Committee, chaired by the Principal Adviser, Planning Commission, to design the UID and an associated information system that is based on the UID, and also to define the processes for creation and maintenance of the UID as well as the administrative procedures and user manuals.

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UID OF RESIDENTS: VISION, DESIGN AND IMPLEMENTATION

I. Strategic Vision

I.1 Rationale for UID

In human life cycle, there is a need for government services at various stages and at each stage, the unique resident ID can act as an identifier through which services can be provided to the authorized person.

At present, various government departments are investing in creating infrastructure, systems and procedures for verifying entitlement claims of residents under various schemes and initiatives of the Government (PAN, Passport, Voter ID, Driving License, etc.): From the resident's point of view there is a need to ascertain that services reach the right persons. From the department's point of view, it is a time-consuming exercise to create and maintain their own database, which is a duplication of efforts, and could be avoided had there been a single database. However, such a database does not exist, nor is there any mechanism for different departments to share a universal database to identify the resident.

In fact, efforts of all agencies (Election Commission, Ministry of Rural Development, Office of the Registrar-General of India, Public Distribution System, and so on) are "stand-alone" and "one-off" and hence efforts so far are not leveraged optimally.

Many countries use a unique identification number as a means of tracking their permanent and temporary residents for the purposes of work, National ID, taxation, government benefits, health care, and other government related functions (driver's license, passport, payroll, e purse, etc.). The ways in which such systems are implemented is specific to each country, but in most cases, a resident is issued a card at birth or when they reach a legal age (typically the age of 18).

In the Indian context, there is a need for UID for better monitoring and targeting of social benefits and employment programmes, and at the same time, identifying synergies between various ID initiatives prevalent. The UD system would ensure that residents need not prove they exist every time they interface with the government or the private sector.

I.2 Vision

UID would be a unique number used for *identification* of the residents of India for various statutory, administrative, developmental and commercial purposes.

The Unique ID would provide an easy and common means of identification of all the residents of the country by all government agencies, thereby enhancing efficiency, transparency, reliability and effectiveness at affordable costs to the common person in the delivery of public services. This, in turn, would authenticate every person's right to government services and benefits through a single system rather than all government departments investing in creating infrastructure, systems and procedures for verification of residents under various schemes of the Government.

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THE GOVERNMENT'S VISION, MISSION AND OBJECTIVES

The UID would enable better monitoring and targeting of social benefits and employment programmes. On an overall basis:

- it would be the common unique identifier for residents
- the UID would act as a conduit to improve targeted delivery of the fruits of a growing economy to the common person, and
- it would aim at eliminating the need for multiple identification mechanism prevalent across government departments.

Vision Statement

Creating a unique identification system of all residents in the country for efficient, transparent, reliable and effective delivery of various welfare and private services to the common person.

1.3 Unique ID and its Benefits

It is envisaged that the UID, together with the socio-economic data, would enhance:

- Efficiency and effectiveness of the social sector schemes
- Convenience and quality of public service
- Improvement in serviced delivery system, and
- Transparency in administration

The key benefits to be realized by the Government, residents and the private sector are as listed below:

A. Benefits to Government

- The UID would enable various government departments to leverage an easy and reliable beneficiary identification mechanism
- It would help in building on the existing identification mechanism, leading to overall efficiency gains in governance and better delivery
- Reduce identity-frauds across the country
- Once implemented, the UID would eliminate the need for creating elaborate beneficiary-identification mechanisms and, in turn, would reduce duplication of efforts across Government machinery
- With robust beneficiary identification mechanisms and cross-referencing of databases, the UID would support the Government of India in better (targeted) policy-formulation under various schemes and programmes
- Overall, the UID would help in improving transparency in administration

B. Benefits to Residents

- Reduce hassles in their interactions with multiple Government departments for establishing their identification
- Ensure convenience in availing various services - both public and private
- The UID number would act as a single window for residents to establish their identity and avail benefits

C. Benefits to Private/NGO Sector

- Private sector would be able to leverage the resident identification infrastructure and, in turn, contribute to effective development activities
- Use UID to speed up certain businesses, especially in the insurance and credit sectors
- May eliminate the need for the private sector to set-up parallel identification systems leading to improved efficiency in delivery of their services
- A reduction in identity-related frauds in the service delivery

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THE DEPARTMENT OF INFORMATION TECHNOLOGY

2. Strategic Dimensions for the Success of UID

It is envisaged that, for better acceptance of UID across the country by residents, Government departments and the private sector, the following cornerstones are deemed pre-requisites:

II.1 Applicability and Accessibility of UID

To start with, UID should be used for effective implementation of the social sector schemes outlined in the 11th Plan. At the same time, the UID initiative should also look at taking a mixed approach to social services and neutral services based on the readiness of the implementing States. This would help in checking malpractices, better selection of bonafide beneficiaries and ensuring that benefits reach them, thus checking leakages in the system and improving delivery mechanism.

Due emphasis would be on making UID number easily accessible to both residents and Government or its agencies without compromising on security aspects.

II.2 Intensive Use and Validation by Multiple Agencies to Achieve Accuracy over Time

Fresh data collection and validation is a tedious, expensive, time-consuming and error-prone process. Conversion into digital format is an arduous task that introduces additional inaccuracies and fresh cost and time implications. Accuracy and perfection of data is, and will remain, a continuing challenge in this complex exercise. Yet, speed is important. Therefore, it is intended to use an existing data base available in electronic and bilingual format, namely the electoral roll data base, while being fully cognizant of its current limitations regarding accuracy, currency and completeness of data.

It is envisaged that intensive usage and validation of the resident data by multiple agencies would achieve higher accuracy levels over a period of time.

II.3 Leverage Collective Strength of Government (Technology - Enabled Collaboration)

The basic premise for the success of UID is the concept of "one owner, many users." Practically, each department would be in a position to add and own any field required for its purpose backed up by 100 percent foolproof tracking of all modifications.

In this regard, technology would play a central (crucial/vital ??) role in the use of UID by various departments. Technology-enabled seamless integration across departments would ensure widespread use of UID and continuous validation of the database by leveraging the collective strength of the Government.

II.4 Linkages with other Databases

Linkage of UID database with other databases would ensure continuous updation and use-based validation. This could be ensured by a 'symbiotic' linking of all other major databases to UID and vice-versa for delivery of services/benefits.

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UID OF RESIDENTS – VISION, SCOPE AND OBJECTIVES

In this direction, Election Commission's database would be used as the base database; however, some links between UID and the Election Commission's database may be maintained for cross-referencing. At a later date, it is envisaged that UID and Multi-purpose National Identity Card (MNIC) may converge.

Further on, for all future Census and sample surveys, the UID would be indicated in the Identification Block of the structured questionnaire for data collection and it is suggested that the Registrar-General of India (RGI) would leverage UID for the 2011 census data.

II.5 Processes

For the successful adoption of UID, it would be imperative to build robust processes to update the UID data continuously and, at the same time, opportunities for continuous updating of varying data would have to be explored. For this, transactions from existing systems would have to be linked to UID, by ensuring enthusiastic participation of stakeholder-departments.

II.6 Statutory Mandate

Importantly, statutory backing would be required for the adoption of UID by residents, Government departments, its agencies and the private sector in the long term.

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3. Realizing the Vision-Mission and Objective

In order to realize the envisaged vision, it is suggested that a phased approach to be adopted with clear objectives for the following time horizons:

- Short Term
- Medium Term
- Long Term

III.1 Short Term Mission (3 Years) – Use of the UID for Specific Schemes(BPL) in identified States

A. Stakeholders

Adopting a phased approach for the implementation of the UID across the country, starting with potential users of UID would be select Government departments (implementing BPL schemes), identified States and beneficiaries of the selected BPL schemes.

Key expectations of the departments, at this stage, would be evaluating the practicality of implementation of UID for specific schemes, establishing the linkage between UID and BPL databases across identified States and tracking delivery of benefits to bonafide beneficiaries. On the other hand, residents would look forward to better service delivery with easier access to benefits

B. Pre-requisites

For the mission to be achieved in the time-specific timeframe, the pre-requisites would include:

- Centralized availability of the Election Commission's resident data post data-clearing
- Identification of an appropriate custodian/owner of the UID database
- Establishment of the required institutional framework for implementation of UID in the identified States

C. Key Objectives

In the initial stages of implementation, the UID initiative would strive to attain the following objectives:

- Assign Unique ID from existing digital database of the Election Commission (for residents 18 years of age and above)
- Create awareness about the initiative amongst potential users
- Establish linkages between UID database and the BPL database
- Facilitate UID adoption in the implementation of welfare schemes
- Establish institutional mechanism for administering the UID and build appropriate capacity
- Authorize and authenticate resident data across the country for use by various departments

III.2 Medium Term Mission (5-7 Years) – State-wide Implementation and Use of UID for Major Schemes

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A. Stakeholders

In the medium term, the key stakeholders would be most of the Government departments, majority of State Governments and all the beneficiaries of Government schemes and services. Key expectations of the Government departments from the UID initiative in the medium term would be a wider coverage of residents eliminating the need for investment in parallel resident identification infrastructure by individual departments. At the same time, residents would prefer the UID to act as an acceptable and authentic identification mechanism for the majority of services entitled to them.

B. Pre-requisites

To achieve State-wide usage of UID and adoption of the same for delivery of the schemes, some of the pre-requisites would include:

- Building Capacity across Ministries to implement the UID in major schemes being implemented by them across the country
- Establishing institutional mechanism for resident verification

C. Key Objectives

The key objectives for the UID initiative in the medium term would include:

- Assigning Unique ID to all residents
- Completing all preparatory work for implementation of UID for all major schemes in all States
- Evolving procedures for maintenance and updating of UID and facilitating linkage of UID database with other major databases.
- Implementing UID for majority of schemes in as many States as possible
- Enhancing efficiency, transparency, reliability and effectiveness in the delivery of public services
- Facilitating cross linkage (two-way linkages) of UID database with the databases of other departments

III. 3 Long Term Mission (10 Years) – Make the UID as the de-facto Identifier for all Residents in the Country

A. Stakeholders

It is envisaged that, in the long term, UID would transform into being a de facto identifier for all residents of the country. In this scenario, potential users of UID would be all the residents and all government and private agencies needing authentication of resident identity prior to delivery of service.

For the residents, the key expectation from this initiative would be the elimination of the requirement of carrying multiple identification proofs for accessing various services during his/her lifespan ensuring better, faster and more transparent delivery of services.

For the service providers, both Government and private sector, the UID initiative would eliminate the need for investing huge sums of money in establishing the identity of the recipient of services and in preventing identity-frauds.

UID OF RESIDENTS – VISION, MISSION AND OBJECTIVES

B. Pre-requisites

For realising the long term mission, some of the pre-requisites would include:

- All residents below 18 years of age are brought into the UID database, since the Election Commission's database (the primary source for the UID database) accounts only for residents above 18 years of age.
- Executive and legislative mandate for all services providers (Government and private) to deem the UID number as THE universal identifier for service delivery

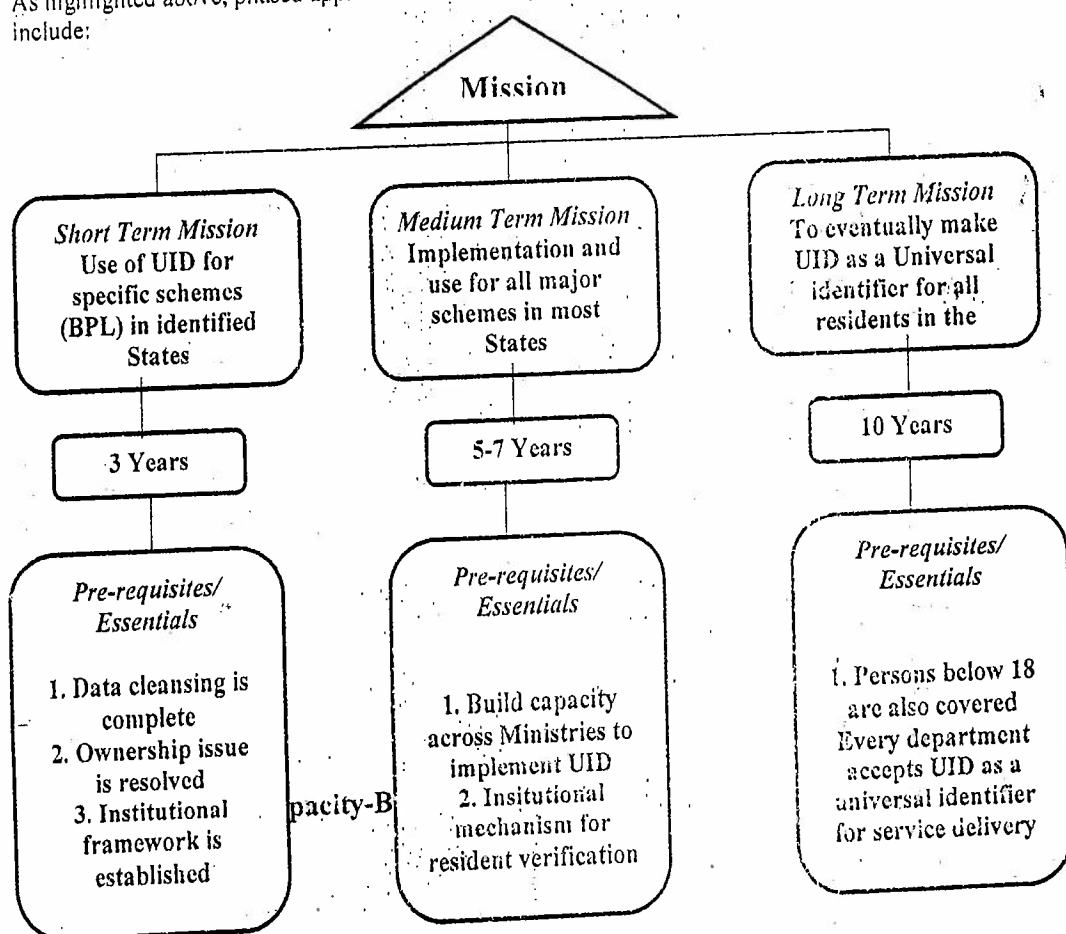
C. Key Objectives

Key objectives in the long term would include:

- Implementation of the UID in all citizen-centric service delivery as the universal identifier
- Introducing the UID in all Ministries, departments and to all private service providers as the only identifier

III.4 Snapshot across Time Horizons

As highlighted above, phased approach for UID adoption and implementation across India would include:



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UID OF RESIDENTS-- VISION, MISSION AND OBJECTIVES

For the success of a national level initiative like the UID, there is an immediate need for identifying or establishing an appropriate Authority for administering UID initiative and be the custodian and owner of the two major components of UID:

- Core Database
- Application Database

In respect to the core database, this agency may be an existing entity capable of administering the UID across the country; conversely, it could be a new agency equipped with the requisite institutional framework and legal mandate to administer the UID system across various states. It is envisaged that the application databases would be maintained by the respective departments and the said departments would continue to be the owners of their respective application databases.

Given the international perspective on similar initiative, capacity-building would be a critical element to ensure the success of the UID initiative. Capacity-building initiatives would have to be implemented for:

- Owners of the core database
- Owners of the application databases
- User-departments

5. Implementation Challenges

There have been many Unique ID initiatives across the world that has yielded mixed results. While some have failed, others have had limited success. In the Indian context, some of the key implementation challenges foreseen include:

- Change management within the Government machinery and residents across the length and breadth of the country is seen as the biggest challenge to the adoption of UID
- Setting up governance structures for implementation at various levels may take a long time before it becomes ease of use vs. tight control/security
- Not fully operational, leading to loss of momentum and zeal for implementation
- Creating and maintaining infrastructure in a vast and diverse country such as India could turn out to be a challenge in itself
- Standardising geographical (habitation/villages) codes, applications, databases and processes, keeping localisation requirements in mind, would require a thorough appreciation of the dynamics of a diverse nation like India
- Security and privacy. This would require a lot of focus and conviction to ensure adoption by different stakeholders
- Complexities involved in establishing linkages between UID and other major databases would be critical to adoption of UID by other Departments
- Addressing the limitations of the Election Commission's data and building on the same would be a challenge in itself
- Some other challenges to be addressed would include:
 - Ease of use vs. tight control/security

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UID OF RESIDENTS: VISION, MISSION AND OBJECTIVES

- o Departmental control vs. collaboration among departments
- o Rigorous procedures vs. convenience of individuals
- o Rapid adoption vs. manageable phasing
- o Transparency vs. right to privacy

6. Conclusion

Given the pathbreaking perspective as envisaged in the vision for the proposed UID initiative and the complexities involved, there is a need to undertake the initiative on a Mission Mode.

The UID initiative should ultimately encompass multiple linkages although it may have limitations in the near short term. However, it envisages the linking of whole country in a not-too-a-future by assigning a unique identification number to each and every resident which he/she can use achieving the same through short-term/medium-term and long-term objectives while assigning UID for each resident in a phased manner.

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ANNEXURE - R-II

Annexure XI

Minutes of the Fourth Meeting of the EGoM to collate two schemes - the National Population Register (NPR/MNC) under the Citizenship Act, 1955 and the Unique Identification Number (UID) project of the Department of Information Technology (DIT)

Date: 04.11.2008
Venue: 162, Committee Room South Block
Time: 16.00 PM
Participants: List attached

1. The Chairman initiated the meeting by stating that the objective of the Empowered Group of Ministers (EGoM) was to collate the two schemes-the National Population Register (NPR/MNIC) under the Citizenship Act, 1955 and the Unique Identification Number (UID) project. Recalling the past proceedings and decisions of the EGoM, he referred to the decision in the 2nd meeting to set up the UID Authority UIDAI under the Planning Commission (PC) with the direction to the PC to ensure necessary approvals within time lines indicated for creation and establishment of the UIDAI.

Pursuant to this decision, the PC had placed before the EGoM a detailed proposal for setting up UIDAI which was considered in the last meeting i.e. the third meeting held on 07-08-2008. Consequent to the deliberations of the EGoM on the proposal, ten issues were referred to the Committee of Secretaries (COS) headed by the Cabinet Secretary, to examine the issues raised and give its recommendations to the EGoM to facilitate a final decision in the matter.

He informed the members that the recommendations of the COS are now placed for consideration and requested the members to take up for consideration each of the issues along with the recommendations to arrive at a final decision.

2. Shri R. Chandrashekhar, Special Secretary, Department of IT with permission of the Chair presented the recommendations of the COS on each of the ten issues referred to it.

Issue 1

Should the UIDAI be a statutory or executive authority? If statutory, at what stage - initially or later? If statutory, how would this role be reconciled with statutory role of National Registration Authority (NRA) under Citizenship Act?

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COS Recommendation:

Initially UIDAI may be notified as an executive authority, as proposed. The issue of investing the UIDAI with statutory authority and the reconciliation of such statutory role with NRA can be taken up for consideration later at an appropriate time, if found necessary.

Decision of EGoM: Recommendation of COS was approved.

Issue 2

Should the supplementation of ECI data in respect of under 18 residents be undertaken by UIDAI building, directly or indirectly, National Register of Students, National Register of children/infants and National Register of Births and Deaths OR should this additional information be extracted as a subset from the NPR being compiled by RCI as and when it is ready?

COS Recommendation:

UIDAI may limit its activities to creation of the initial database from the Electoral Roll/EPIC, data and verification and validation of the same through BPL and PDS data and updation of electoral rolls. UIDAI may not directly undertake creation of any additional database but will find appropriate systems to supplement the CID database. UIDAI may however additionally issue instructions to agencies that undertake creation of databases, to ensure standardization of data elements that are collected and digitized to enable collation and correlation with UID and its partner databases.

Decision of EGoM: Recommendations of COS was approved

Issue 3

What should be the specific role of PRIs in line with the decision of the 2nd EGoM?

COS Recommendation:

UIDAI will take its own decision as to how to build the database. They may have to refer to many institutions for the same. PRIs should be leveraged to the maximum extent feasible in validation of data and its cross linking with databases of other designated agencies.

Decision of EGoM: Recommendation of COS was approved

Issue 4

Should the scope of activities of UIDAI cover the following extended set of activities proposed by PC? (a) NRS, (b) NRC (c) NRB&D, (d) National Register of Assets and (e) Unique Geographical Identity Code (UIG) up to habitation level.

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COS Recommendation:

Issues (a) to (d) have been clarified in recommendations on Issue 2.

CID may be operationalised with UIG upto village level. Initially, As and, when UIG upto habitation level becomes available it may be incorporated in the UID database.

Decision of EGoM: Recommendation of COS was approved

Issue 5

Should the UIDAI be established under the Planning Commission (PC) in view of ARC recommendations of 1965 giving PC only a recommendatory role? If not under PC, under which ministry/department/organization/authority should it be anchored?

COS Recommendation:

In view of the fact that the project has a pan departmental scope and objective and Planning Commission is the only agency that deals with most departments, it was decided that UIDAI be anchored in Planning Commission as proposed"

Decision of EGoM: Approved the COS recommendation with the stipulation that this decision would be valid for five years and thereafter, a view could be taken by the Government on where the UIDAI would finally be located with the Government.

Issue 6

Is the staff size of the UIDAI proposed justified? Is the superstructure appropriate?

COS Recommendation:

It was decided that the Committee will not go into the details of the proposal at this stage. Approval for the complete structure and full contingent of staff may be processed through DoE and CCEA as per normal procedure. However, approval of EGoM may be sought for constitution of UIDAI with a small, lean core team (upto 10 personnel) initially.

Decision of EGoM: EGoM accepted the recommendation of COPS and accorded its approval to the constitution of the UIDAI with a core team of 10 personnel at the central level including one officer at the level of Additional Secretary to the Government of India, one officer at the level of Joint Secretary to the Government of India and other lower level support staff.

EGoM further directed that PC should separately place the detailed proposal other than the core team with the complete structure, rest of the staff component and organisational structure of UIDAI at the central and state levels before the

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Cabinet Secretary for his consideration, prior to seeking approval under normal procedure through the DOE/CCEA. The EGoM directed to the Planning Commission to complete this work by the end of December, 2009.

Issue 7

Should the UIDAI at central and state levels be a central authority as envisaged in the proposal of the Planning Commission or should it follow the ECI basic framework in respect of structure at central and state level as well as the relationship between central and State set up?

COS Recommendation:-

UIDAI at the state level comprising of State UID Commissioner and complete staff be fully funded centrally at least for the first five years, as proposed. CEO of State UID Authority should be an officer of the level of Joint Secretary appointed by GoI from the pool of officers belonging to that particular State. Other officers could be appointed on deputation.

Staff could be appointed on contract. An Advisory Board having Chief Secretary as its chairman with Secretary(ies) - Home, Finance, Revenue, RD, Food and Chief Electoral Officer as members could be created to monitor and resolve issues. CEO State UID Authority to be Member Secretary.

Along with core staff in UIDAI at the Central level similar structure should be created in States so that work starts simultaneously at all levels.

Decision of EGoM: EGoM accepted the COS recommendation and accorded its approval to the constitution of the State UID Authorities simultaneously with the Central UIDAI with a core team of 3 personnel including one officer at the level of Joint Secretary to the Government of India.

Issue 8

What should be the target date for the UID to be made available for usage by an initial set of authorised users?

COS Recommendation:

It should be one year from the date of approval of the full contingent of staff for UIDAI (expected by Dec 2008). Consequently UID can be made available for use by initial set of authorized users by Dec. 2009.

Decision of EGoM: Recommendation of COS was approved

Should the cross-verification of UID with BPL and PDS be carried out simultaneously or sequentially? Should the linkage with BPL be done with existing data of BPL Survey of 2002 or proposed BPL Survey of 2007 (yet to be undertaken)?

COS Recommendation:

The cross verification exercise may be taken up simultaneously to the extent possible.

Decision of EGoM: Recommendation of COS Was approved

Issue 10

Procedure to be adopted for obtaining approval of UIDAI:

- (a) EGOM or
- (b) EFC - CCEA

COS Recommendation:

Approval of EGoM may be sought for constitution of UIDAI with a small lean core team (of upto 10 personnel) initially. On issue 7, COS through Cabinet Secretary has recommended that similar structure should be created in the states so that work starts simultaneously at all levels. Approval for the complete structure and full contingent of staff may be processed through EFC and CCEA as per existing procedure.

Decision of EGoM: Recommendation of COS was approved.

However, prior to seeking approval for the complete organisational structure and full component of staff through DoE and CCEA as per existing procedure, the Cabinet Secretary should convene a meeting to finalise the detailed organisational structure, staff and other requirements.

3. Chairman's concluding address:

(i) It also needs to be appreciated that the whole exercise being technology based and system driven, there is immense scope for outsourcing the data collation and validation work and other tasks to expert agencies in the public or private sector through a transparent process while retaining requisite control over sovereign functions. In the context, he mentioned the Passport Seva Project where retaining the sovereign functions within government (MEA) rest of the infrastructure, management and software development functions have been outsourced through a transparent process to private sector.

(iii) He stated that the UID project is unique in that the organisation (UIDAI) has to work in close collaboration with large number of institutions and agencies both within and outside government and will take at least five years to stabilize. The government at that time may need to take a fresh view particularly in light of further advancements in technology.

He concluded by appreciating the active contribution of the members and officials in the deliberations and thanked them for enabling the EGoM to expeditiously complete the work assigned to it.

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List of Participants:

1. Shri Pranab Mukherjee, Minister of External Affairs
2. Shri Shivraj V Patil, Minister of Home Affairs
3. Shri A Raja, Minister of Communications & Information Technology
4. Shri Montek Singh Ahluwalia, Dy. Chairman- Planning Commission
5. Shri Jainder Singh, Secretary- Department of Information Technology
6. Shri Subas Pani, Secretary- Planning Commission
7. Shri A.N.P. Sinha, Secretary-Panchayati Raj
8. Smt. Rira Menon, Special Secretary- Department of Expenditure
9. Shri R Chandrashekhar, Special Secretary-Department of Information Technology
10. Shri D K Sikri, Registrar General of India, Ministry of Home Affairs
11. Shri C S Kedar, Joint Secretary, Cabinet Secretariat
12. Shri Shankar Aggarwal, Joint Secretary, Department of Information Technology

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MOST IMMEDIATE

F.No. 171/2/2/2008-CA.V
Government of India
Cabinet Secretariat
Rashtrapati Bhawan

New Delhi, the 22nd January, 2009

OFFICE MEMORANDUM

Subject:- Issues raised by the EGoM to collate two schemes, viz., the National Population Register (NPR/MNIC) under the Citizenship Act, 1955, and the Unique Identification Number (UID) project of the D/o Information Technology

Reference: D/o Information Technology's O.M. No. 3(27)/2006-EGPMU(Pt 1), dated 26th December, 2008 regarding Governance structure, Institutional Framework, Organizational Structure and staff component of the Unique Identification Authority of India (UIDAI). While giving approval to the constitution of the UIDAI, with a core team of 115, including ten personnel at the central level including one Director General and Mission Director and one Deputy Director General, the EGoM had directed Planning Commission to place the detailed proposal with the complete structure, rest of the staff component and organizational structure of UIDAI before the Cabinet Secretary for his consideration, prior to seeking approval under normal procedure through the DoE/CCEA.

2. The proposal has been considered by the Cabinet Secretary in pursuance of the decisions of the Empowered Group of Ministers taken in their meeting on 4th November, 2008, and it is accordingly recommended that -

- (i) the notification for constitution of the UIDAI, along with creation of the core team as approved by the EGoM be issued immediately and steps should be taken to make the Core Team operational;
- (ii) A High Level Advisory, Monitoring and Review Committee headed by Deputy Chairman, Planning Commission, consisting of following members may be constituted to oversee the work of authority
 - (a) Member/Secretary, Planning Commission
 - (b) Home Secretary
 - (c) Secretary, D/o Information Technology
 - (d) Secretary, Planning Commission
 - (e) Director General & Mission Director as Member Secretary
- (iii) A Member, Planning Commission, or the Secretary, Planning Commission may also be assigned the task of looking after the work proposed, in the structure outlined by the Planning Commission, of the Chief UID Commissioner.
- (iv) As approved by EGoM, the Core Team consisting of Director General & Mission Director with other supporting staff may be put in place immediately. Need based creation of posts can be undertaken later after due examination in each case.

This issues with the approval of Cabinet Secretary.

Sd/-
(C.S. Kodar)
Joint Secretary
Tele:23011964

(TO BE PUBLISHED IN PART-I, SECTION-2 OF THE GAZETTE OF INDIA)
GOVERNMENT OF INDIA
PLANNING COMMISSION

Yojana Bhawan, Sansad Marg.
New Delhi, 23 January, 2009

NOTIFICATION

No. A-43011102f2009-Admn.I: In pursuance of Empowered Group of Ministers' fourth meeting, dated 4th November 2008, the Unique Identification Authority of India (UIDAI) is hereby constituted and notified as an attached office under aegis of Planning Commission with following terms of reference and initial core staff composition:--

COMPOSITION:

2. UIDAI shall be set up with an initial core team of 115 officials and staff as per details given below:

Post	Level	No. of Posts
UID Authority of India		
Director General & Mission Director	Additional Secretary Govt. of India	1
Deputy Director General (DDG)	Joint Secretary, Govt. of India	1
Assistant Director General (AoG)	Director, Govt. of India	1
Support Staff		
PS	PS	3
Peon	Peon	2
Driver	Driver	2
Total Manpower		10
State/UT Units of UIDAI		
State/UT UID Commissioner	Joint Secretary, Govt. of India	35
Support Staff		
PS	PS	35
Peon	Peon	35
Total Manpower		105
Grand Total		115

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Role and Responsibilities of UIDAI

- 3 UIDAI shall have the responsibility to lay down plan and policies to implement UID Scheme, shall own and operate UID database and be responsible for its updation and maintenance on an ongoing basis.
- 4 Implementation of UID scheme will entail, *inter alia*, following responsibilities being undertaken by UIDAI:
 - Generate and assign UID to residents
 - Define mechanisms and processes for interlinking UID with partner databases on a continuous basis
 - Frame policies and administrative procedures related to updation mechanism and maintenance of UID database on an ongoing basis
 - Co-ordinate / liaise with implementation partners and user agencies as also define conflict resolution mechanism
 - Define usage and applicability of UID for delivery of various services
 - Operate and manage all stages of UID Lifecycle
 - Adopt phased approach for implementation of UID specially with reference to approved timelines
 - Take necessary steps to ensure collation of NPR with UID (as per approved strategy)
 - Ensure ways for leveraging field level institutions appropriately such as PRIs in establishing linkages across partner agencies as well as its validation while cross linking with other designated agencies
 - Evolve strategy for awareness and communication of UID and its usage
 - Identify new partner/user agencies
 - Issue necessary instructions to agencies that undertake creation of databases, to ensure standardization of data elements that are collected and digitized and enable collation and correlation with UID and its partner databases
 - Frame policies and administrative procedures related to hiring / retention / mobilization of resources, outsourcing of various tasks and budgeting & planning for UIDAI and all State units under UIDAI.
5. Planning Commission shall be the nodal agency for UIDAI for providing logistics, planning and budgetary support. Planning commission would provide initial office and IT infrastructure at central level.

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6. Government housing will be provided to officers of UIDAI appointed on deputation from general pool of Department of Urban Development.

Sd/- 28.1.2009
(Subas Pani)
Secretary to the Government of India

The General Manager
Govt. of India Press
Faridabad.

Copy to:

1. Secretary to the President, Rashtrapati Bhavan, New Delhi
2. Secretary to the Vice-President, Maulana Azad Road, New Delhi
3. Cabinet Secretary, Rashtrapati Bhavan, New Delhi
4. Principal Secretary to the Prime Minister, South Block, New Delhi
5. Private Secretary to the Deputy Chairman, Planning Commission
6. All Ministers/Departments of Govt. of India
7. Chief Secretaries of all States/Union Territories
8. Secretary General, Rajya Sabha Secretariat, New Delhi
9. Secretary General, Lok Sabha Secretariat, New Delhi
10. Pr. Adviser (Admn & PC)/AS & FA/Adviser (C & I)/Director(GA)/DS (Admn.)
11. Pay & Accounts Officer, Planning Commission
12. Drawing & Disbursing Officer, Planning Commission
13. Accounts-I Section, Planning Commission.

Ministry of Law & Justice
Department of Legal Affairs

The Planning Commission has sought the opinion from the Attorney General/Solicitor General on the following issues:-

- i) Whether aadhaar numbers (as envisaged under clause 3(2) of the National Identification Authority of India Bill, 2010) can be issued before the passing of the National Identification Authority of India Bill, 2010 by the Parliament?
- (ii) Whether issuing aadhaar numbers before the passing of the National Identification Authority of India Bill, 2010 tantamount to overreaching and circumventing the Parliament by the executive?
- (iii) Whether allotting Rs.1900 crores which for the purpose of issue of aadhaar numbers by the Government in the Budget tantamount to the executive circumventing the Parliament?
- (iv) Whether issue of Aadhaar numbers before passing of the Bill involving colossal expenditure to the exchequer is a violation of the fundamental right to privacy of the Citizen under Article 21 of the constitution.

2. The matter has been examined by this Department and opined that "till legislation is passed, the Authority can continue functioning under the executive order and collect information/data for implementation of the UID Scheme. Such implementation can be done by giving wide publicity to the Scheme and by persuading the agencies/individuals to part with necessary information. However if any agency/individual is not willing to provide the desired information no legal action can be taken in the absence of a statutory backing."

3. We have examined all the above four issues and our view is as follows:-

Issue No. (i) & (ii)

It is an established law that powers of the executive are coextensive with the legislative power of the Government. However, the executive power cannot act against the provisions of a law. The Government is not debarred from exercising its executive power in the areas which are not regulated by the specific legislation. The Apex Court in Vishakha V/s State of Rajasthan (1997 6 SCC 241) held that "Article 73 provides that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws. The executive power of the Union is, therefore, available till the Parliament enacts to expressly provide measures needed to curb the evil." Attention is also invited to the case of Rev. Fr. Joseph v/s State of Kerala (AIR 1958 Kerala 290) wherein the Hon'ble High Court of Kerala held that,

(46) The question then is does the impugned order directly or indirectly seek to achieve the result of the Presidential assent by making a law of Cl.9 of the Bill? If does not. All that it does is to do what the State Government has the power to do even without such a law. The power of the State legislature to make laws on the subject of education remains altogether unaffected by the fact that a Bill, it has passed on the subject is yet to become law. The fallacy lies in the assumption that when a legislature has passed a Bill, its legislative competence in respect of the matters covered by the Bill is at an end. Obviously that is not so.

The legislative power is not exhausted by the making of the Bill and whether the Bill becomes law or not, remains undiminished and still extends to the very matters covered by the Bill. The executive power of the State

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therefore still extends to the whole subject of education, even to matters covered by the Education Bill, and until the Bill becomes law, unaffected by it. Of course, once the Bill becomes law, the power can be exercised only in accordance with its provisions for the executive power of a State can be exercised only in accordance with and in obedience to the law. But that does not mean that the power of the executive is confined to be execution of laws.

4. From the above it is clear that executive power on the subject remains altogether unaffected by the fact that a Bill has been introduced in the House, on the subject, is yet to become law. In this view of the matter, there appear to be no legal objection to issue the Aadhaar numbers before passing of the National Identification Authority of India Bill, 2010 and the same may not amount to be over reaching and circumventing the authority of the parliament by the Executive.

5. Issue No. (iii) Whether allotting Rs. 1,900 crores which for the purpose of issue of Aadhaar numbers by the government in the Budget tantamount to the executive circumventing the parliament?

6. The Hon'ble Supreme Court of India while considering the constitutionality of the Members of Parliament Local Area Development Scheme (MPLAD Scheme) in Bhim Singh V/s UOI & others (2010) 5 SCC 538, held that,

"35. If we analyse the above-mentioned articles and the Rules of Procedure, the argument that the Appropriation Act by itself is not sufficient to satisfy the requirements of Article 266 (3) cannot be accepted. It is true that the activity of spending monies on various project has to be separately provided for by a law. However, if the Union government intends to spend money for public purpose and for implementing various welfare schemes, the same is permitted by presenting an Appropriation Bill which is a Money Bill and by laying the same before the houses of parliament and after getting the approval of parliament, Lok Sabha, in particular, its becomes law and there cannot be any impediment in implementing the same so long as the schemes is for the public purpose".

7. The Apex Court in this case cited the case of Ram Jawaya Kapur v. State of Punjab AIR 1955 SC 549 and refer the paras 15 & 16 which reads as under:-

"15... After the grant is sanctioned, an Appropriation Bill is introduced to provide for the appropriation Bill is introduced to provide for the appropriation out of the introduced to provide for the appropriation out of the Consolidated Fund of the State of all money required to meet the grant thus made by the Assembly (Article 204). As soon as the Appropriation Act is passed, the expenditure made under the heads covered by it would be deemed to be properly authorized by law under Article 266 (3), of the Constitution.

16. The expression 'law; here obviously includes the Appropriation Acts. It is true that the Appropriation Acts cannot be said to give a direct legislative sanction to the trade activities themselves. But so long as the trade activities are carried on in pursuance of the policy which the executive Government has formulated with the tacit support of the majority in the legislature, no objection on the score of their not the majority in the legislature, no objection on the score of their not being sanctioned ley specific legislative provision can possibly be raised."

Objections could be raisers only in regard to the expenditure of public funds for carrying on of the trade or business and to these Appropriation Acts would afford a complete answer".

8. From the above it is clear that the expenditure would be deemed to be properly authorized by law under Article 266(3) of the Constitution.

9. In view of the above, allotting of Rs.1,900 crores which for the purpose of issue of Aadhaar numbers by the Government in the Budget may not be tantamount to the executive circumventing the Parliament.

10. Issue No. (iv): Whether issue of Aadhaar numbers before passing of the Bill involving colossal expenditure to the exchequer is a violation of the fundamental right to privacy of the citizen under Article 21 of the constitution. It is established by law that Right to Privacy is a guaranteed right under Article 21 of Constitution of India. The Hon'ble

"26 we may now summarize the broad principles flowing from the above discussion

(1) The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a "right to be let alone". A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.

(2) The rule aforesaid is subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. We are, however, of the opinion that in the interests of decency Article 19(2) an exception must be carved out to this rule viz., a female who is the victim of a sexual assault, kidnap, abduction or a like offence should not further be subjected to the indignity of her name and the incident being publicized in press/media.

(3) There is yet another exception to the rule in (1) above - indeed, this is not an exception but an independent rule. In the case of public officials, it is obvious, right to privacy, or for that matter, the remedy of action for damages is simply not available with respect to their acts and conduct relevant to the discharge of their official duties. This is so even where the publication is based upon facts and statements which are not true; unless the official establishes that the publication was made (by the defendant) with reckless disregard for truth. In such a case, it would be enough for the defendant (member of the press or media) to prove that he acted after a reasonable verification of the facts; it is not necessary for him to prove that what he has written is true. Of course, where the publication is proved to be false and actuated by malice or personal animosity, the defendant would have no defence and would be liable for damages. It is equally obvious that in matters not relevant to the discharge of his duties the public official enjoys the same protection as any other citizen, as explained in (1) and (2) above. It needs no reiteration that judiciary, which is protected by the power to punish for contempt of court and parliament and legislatures protected as their privileges are by Articles 105 and 104 respectively of the Constitution of India, represent exceptions to this rule.

(4) So far as the Government, local authority and other organs and institutions exercising governmental power are concerned, they cannot maintain a suit for damages for defaming them.

(5) Rules 3 and 4 do not, however, mean that Official Secrets Act, 1923, or any similar enactment or provision having the force of law does not bind the press or media.

(6) There is no law empowering the State or its official to prohibit, or to impose a prior restraint upon the press/media.

11. It is submitted that according the Administrative Ministry, the enrolment for UID scheme is voluntary. The Apex Court has made it clear that there will be no violation of Right to Privacy, if the consent is taken from the concerned person at his free volition. Accordingly, it may not violate the fundamental right to privacy of a citizen.

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12. Since, the issues involved interpretation of various provisions of Constitution of India it may consider prudent to solicit the opinion of Ld. Attorney General on the above said issues.

May kindly see.

Sd/-
(O. Venkateswarulu);
Assistant Legal Adviser,
26.07.2011

Additional Secretary (Shri R.L. Koli)

Law Secretary

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OFFICE OF SRI GOVIND K. VADHANI
ATTORNEY GENERAL FOR INDIA

1. I have seen the reference dated 17th July 2011.
2. The Unique Identification Authority of India (UIDAI) was constituted and notified by the Planning Commission on 28th January, 2009 as an attached office under the aegis of the Planning Commission. The role and responsibilities of the UIDAI were laid down in the Notification.
3. On 2nd July, 2009, Mr. Nandan Nilekani was appointed as the Chairperson in the rank and status of a Cabinet Minister. He assumed charge on 23rd July, 2009 and since then the Authority has been functioning.
4. Prime Minister's Council on UIDAI was constituted on 30th July, 2009 under the Chairmanship of the Prime Minister. The first meeting was held on 12th August, 2009. Pursuant to the mandate given by the Prime Minister's Council, the UIDAI has been going ahead with the implementation of the Scheme.
5. On 22nd October, 2009, the Government of India constituted a Cabinet Committee on UID Authority.
6. On 5th April, 2010, an opinion was sought, from the Solicitor General and two queries were raised as under:
 - (i) Whether in absence of a specific enabling law, would there be any constraints in collecting the data and (including biometrics) and in issuing the UID numbers to residents in accordance with the mandate given to the Authority?
 - (ii) If the answer to the question at (i) above is in the affirmative, what should be the roadmap in the interim so that the work of UIDAI can continue as per the mandate till the specific law is put in place?
7. The Law Ministry, however, by its opinion dated 15th June, 2010, opined as follows:

"5. In view of the foregoing discussion we are of the opinion that till a legislation is passed, the authority can continue functioning under the executive order and collect information/data for implementation of the UID Scheme. Such implementation can be done by giving wide publicity to the scheme and by persuading the agencies/individuals to part with necessary information. However, if any agency/individual is not willing to provide the desired information no legal action can be taken in the absence of a statutory backing.

6. The legal position in the matter being free from doubt, there appears to be no necessity to bother Ld. Solicitor General of India on this issue at this stage. The UIDAI may expedite providing a broad framework of the legislation which will be examined by this Department before the draft Bill is prepared by Legislative Department of this Ministry."
8. This opinion was given at a time when the Bill was under drafting.
9. An analysis of the Statement of Objects and Reasons dated 8th November, 2010 shows that there is a fundamental misunderstanding underlying the apprehensions raised. The Bill itself shows that the UIDAI has been functioning under the Notification dated 28th January, 2009. Further, it is now proposed to have a new Authority. It would be a Statutory Authority for carrying out functions of issuing identification numbers to the residents in India in an effective manner.

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10. It is important to note two provisions of the draft Bill, namely, section 22 and section 57, which read as follows:

22. On and from the establishment of the Authority --

(1) all the assets and liabilities of the Unique Identification Authority of India, established vide notification of the Government of India in the Planning Commission number A-43011/02/2009-Admin.I. dated the 28th January, 2009, shall stand transferred to, and vested in, the Authority.

Explanation -- the assets of such Unique Identification Authority of India shall be deemed to include all rights and powers, and all properties, whether movable or immovable including, in particular, cash balances, deposits and all other interests and rights in, or arising out of.

Such properties as may be in the possession of such Unique Identification Authority of India and till books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(2) without prejudice to the provisions of sub-section (1), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such Unique Identification Authority of India immediately before that day, for or in connection with the purpose of the said Unique Identification Authority of India, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Authority;

(3) all sums of money due to the Unique Identification Authority of India immediately before that day shall be deemed to be due to the Authority; and

(4) all suits and other legal proceedings instituted or which could have been instituted by or against such Unique Identification Authority of India immediately before that day may be continued or may be instituted by or against the Authority.

"57. Anything done or any action taken by the Central Government under the Resolution of the Government of India, Planning commission bearing Notification A-43011/02/2009-Admin.I dated the 28th January, 2009, shall be deemed to have been done or taken under the corresponding provisions of this Act."

11. It is, therefore, clear that the Authority, which is already functioning, will continue to function as such under the executive orders already issued. Thereafter, when the Bill is passed and the Act is brought into force, it will be replaced by a new statutory authority. All the assets and liabilities of the UIDAI constituted under the Notification dated 28th January, 2009 will be vested in the new Authority. Anything done or taken under the Notification dated 28th January, 2009 will be deemed to have been done under the corresponding provisions of the Act.

12. What is, therefore, contemplated is a seamless transition from an executive authority into a statutory authority. If the view taken by the Law Ministry is correct and, in my opinion it is, notwithstanding the absence of an Act the UIDAI could function as such under the executive order dated 28th January, 2009 and indeed it has been so functioning. All amounts allocated for its functioning must have been sanctioned under the Appropriation Bill and approved by Parliament (The Lok Sabha).

13. In the light of the aforesaid, I will deal with the 4 queries as under:

Q.(i) Whether Aadhaar numbers (as envisaged under clause 3(2) of the National Identification Authority of India Bill, 2010) can be issued before the passing of the National Identification of India Bill, 2010 by the Parliament?

Q.(ii) Whether issuing Aadhaar numbers before the passing of the National Identification Authority of India Bill, 2010 tantamount to overreaching and circumventing the Parliament by the executive?

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A(i) & (ii) Queries (i) and (ii) above are inter-related and may be dealt with together. The Authority is presently functioning under the executive Notification dated 28th January, 2009. What is sought to be done is to convert executive authority into a statutory Authority. I have already analyzed the provisions of the Bill. There is nothing in law or otherwise which prevents the authority from functioning as an executive authority. As and when the Bill is passed and the Act is brought into force, all actions taken by the executive authority shall be deemed to have been passed by the new Authority. Therefore, there is nothing illegal in the continuation of the functioning of the Authority.

Q (iii) Whether allotting Rs.1900 crores which for the purpose of issue of Aadhaar numbers by the Government in the Budget tantamount to the executive circumventing the Parliament?

A. Rs.1900 crores which have been allocated in the Budget have been sanctioned by the Parliament. Parliament sanctions various expenditures under the detailed financial procedure which is laid down under the Constitution. This has been analyzed at length in the judgment of the Supreme Court in Bhim Singh v.UOI and Ors.- (2010) 5 SCC 538. Once Government presents an appropriation Bill and the same is approved by the Parliament, Lok Sabha in particular, the expenditure is validated and there is no question of the executive, circumventing Parliament. On the Contrary, in matters of expenditure it is Parliament which is supreme and has full control. Once sanctioned by Parliament, the expenditure by the executive is authorized.

Q.(iv) Whether issue of Aadhaar numbers before passing of the Bill involving colossal expenditure to the exchequer is a violation of the fundamental right to privacy of the citizen under Article 21 of the Constitution?

A. In the first instance, I do not consider the issuance of Aadhaar numbers to be a violation of right to privacy contained in Article 21 of the Constitution. As a matter of fact the purpose of issuing Unique Identification Numbers is salutary and the effect will be to enable a large section of the Indian population, who is hitherto unable to get full benefits of the membership of an organized society to participate and avail of such benefits.

Secondly the manner in which the Authority is functioning does not violate the right to privacy. On the contrary, due care is taken to preserve privacy. Thirdly, participation in the Scheme is voluntary. In my opinion, right to privacy under Article 21 is not violated.

Sd/-
(Goolam E. Vahanavati)
Attorney General for India
6.8.2011

AS (Shri R.L. Koli)

Note: Related notes of Ministry of Law & Justice to seek the above opinion and their subsequent notes to convey their opinion to UIDAI/Planning Commission are also attached.

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Ministry of Law & Justice
Department of Legal Affairs

Subject: Issue of Aadhaar numbers till the passing of the National Identification Authority of India Bill, 2010, Opinion of the Ld. Attorney General of India.

The reference was made to the Attorney General to solicit his opinion on the following issues: (F/X)

(i) Whether Aadhaar numbers (as envisaged under clause 3(2) of the National Identification Authority of India Bill, 2010) can be issued before the passing of the National Identification Authority of India Bill, 2010 by the Parliament?

(ii) Whether issuing Aadhaar numbers before the passing of the National Identification Authority of India Bill, 2010 tantamount to overreaching and circumventing the Parliament by the executive?

(iii) Whether allotting Rs.1900crores which for the purpose of issue of Aadhaar numbers by the Government in the Budget tantamount to the executive circumventing the Parliament?

(iv) Whether issue of Aadhaar numbers before passing of the Bill involving colossal expenditure to the exchequer is a violation of the fundamental right to privacy of the citizen under Article 27 of the constitution.

The Ld. A.G. has examined the above points/issues and rendered his opinion as follows:

Issue (i) & (ii): The authority is presently functioning under the executive notification and there is nothing in law or otherwise which prevent the authority from functioning as executive authority. As and when the bill is passed and the Act is brought into force, all actions taken by the executive authority shall be deemed to have been passed by the new authority. Therefore, there is nothing illegal in the continuation of functioning of the authority.

Issue No.(iii): The Ld. Attorney General opined in the light of the judgment of the Apex Court in Bhim Singh V/s UOI & Others (2010) 5 SCC 538) that once Government presents an appropriation Bill and the same is approved by the Parliament, Lok Sabha in particular, the expenditure is validated and there is no question of the executive circumventing Parliament. On the contrary, in matters of expenditure, it is Parliament which is supreme and has full control. Once sanctioned by Parliament, the expenditure by the executive is authorized.

Issue No.(iv): The Ld. A.G. stated that: "I do not consider the issue of Aadhaar numbers to be a violation of right to privacy contained

In Article 21 of the Constitution". The Ld. A.G further opined that "the manner in which the Authority is functioning does not violate the right to privacy. On the contrary, the care is taken to preserve privacy" and also advised that "participation in the Scheme is voluntary. In my opinion, right to privacy under Article 21 is not violated"

In view of the above, if approved, the views/opinion of the Ld. Attorney General may be communicated.

May kindly see.

Sd/-
(O. Venkateswarulu)
Asst. Legal Adviser
10.08.2011

Sd/- 10.8.11

Additional Secretary (Shri R.L. Koli)

Sd/- 10.8.11
Law Secretary

Sd/- 17.8.11
MLJ

Law Secretary (on leave)

AS (Shri R.L. Koli) (on leave)

Sd/ 17.8.11
ALJ

Sd/- 17.8.11
Planning Commission

21B

214(15)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 494 OF 2012
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTARY APPLICATION NOs. 2 & 7
(Application for Impleadment)

AND

INTERLOCUTARY APPLICATION NO. 3
(Application for Clarification/modification)

AND

INTERLOCUTARY APPLICATION NO. 4
(Application for Intervention)

AND

INTERLOCUTARY APPLICATION NO. 5
(Application for Direction)

AND

INTERLOCUTARY APPLICATION NO. 6
(Application for Clarification/modification)

AND

WRIT PETITION (CIVIL) NO. 829 OF 2013
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTARY APPLICATION NO. 2
(Application for Impleadment)

WITH

INTERLOCUTARY APPLICATION NO. ...
(Application for modification/clarification of the Order
dated 23.09.2013)

WITH

INTERLOCUTARY APPLICATION NO. 3
(Application for Impleadment)

AND

WRIT PETITION (CIVIL) NO. 833 OF 2013
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTARY APPLICATION NO. 1
(Application for Directions)

WITH

INTERLOCUTARY APPLICATION NO. 2
(Application for Impleadment)

WITH

INTERLOCUTARY APPLICATION NO. 3
(Application for Impleadment)

Justice K.S. Puttaswamy (Retd.) & Anr. etc.

... Petitioners

Versus

Union of India & Ors. etc.

... Respondents

REVISED OFFICE REPORT

The Interlocutory Application No. 3 & 4 in Writ Petition (C) No. 494/2012 above-mentioned alongwith Writ Petition (C) No. 833 of 2013 matters were listed before the Hon'ble Court on 08.10.2013, when the Court was pleased to pass the following Order:-

“Issue notice in I.A.Nos.2,3,4,5 & 6/2013.

Issue notice in W.P.(C)No.833/2013.
Ms. D.S. Mahra, learned counsel accepts notice on behalf of the Union of India.

List the matters for final hearing on 22nd October, 2013 as Item No.2 with all connected matters.

In the meanwhile, the reply to the IAs may be filed by the learned counsel for the petitioner in W.P.(C)No.494/2012.”

Pursuant to the above order, Show Cause Notice was issued in I.A.Nos. 2, 3, 4, 5 & 6/2013. on 18.10.2013 to the petitioners through their counsel Mr. Anish Kumar Gupta.

It is further submitted that Mr. D.S. Mahra, Advocate has on 18.10.2013 filed proof of service with Affidavit in Interlocutory Application No. 6 and other connected matters i.e. Writ Petition (C) Nos. 829 of 2012 and 833 of 2013.

It is further submitted that Mr. Anish Kumar Gupta, Advocate for the petitioner has on 21.10.2013 filed Reply to the IA Nos. 2-3 with the permission of Hon'ble Court but he has served its copy upon Central Agency Section but stamp has not been affixed. However, the same stands included in the Paper Books.

It is further submitted that Mr. D.S. Mahra, Advocate has on 21.10.2013 filed Counter Affidavit on behalf of Respondent No.1 with the permission of Hon'ble Court but he has not served its copy upon Counsel for Petitioner. However, the same stands included in the Paper Books.

It is submitted that Mr. Tapesh K. Singh, Advocate has on 25.10.2013 filed vakalatnama and Application for Impleadment to implead State of Jharkhand as Party Respondent. The application has been registered as Interlocutory Application No. 7 and is being circulated before the Hon'ble Court.

It is submitted that Mr. D.S. Mahra, Advocate has on 04.10.2013 filed Counter Affidavit on behalf of Respondent Nos. 2 & 3 and the same are being circulated before the Hon'ble Court.

WRIT PETITION (CIVIL) NO. 829 OF 2013

It is submitted that the instant Writ Petition was listed before the Hon'ble Court on 23.09.2013, when the Court was pleased to pass the following Order:-

“Issue notice in W.P.(C) No. 829/2013.
Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.”

It is submitted that Show Cause Notice was issued to the all the three Respondents through Registered A.D. Post. Neither A.D. Cards nor unserved covers containing Show Cause Notice has been received back so far.

It is further submitted that Mr. D.S. Mahra, Advocate has on 17.10.2013 filed two Applications viz. Application for Impleadment alongwith Vakalatnama/appearance on behalf of Union of India, Ministry of Petroleum & Natural Gas and Application for modification of Court's Order dated 23.09.2013. The Application for Impleadment has been registered as Interlocutory Application No. 2. Both the Applications I.A.No. 2 & unregistered Application are being circulated before the Hon'ble Court.

It is next submitted that M/s. K.J. John, Advocate has on 21.10.2013 filed Reply Affidavit on behalf of the petitioner to the Application for modification of Court's Order dated 23.09.2013 with the permission of the Hon'ble Court. However, the same stands included in the Paper Books.

It is further submitted that Mr. D.S. Mahra, Advocate has on 23.10.2013 filed Vakalatnama/appearance and Counter Affidavit on behalf of Respondent No. 3 (Unique Identification Authority of India) and the same is being circulated before the Hon'ble Court.

It is next submitted that M/s. K.J. John, Advocate has on 23.10.2013 filed Application for Impleadment on behalf of Government of NCT of Delhi and Others with the permission of Hon'ble Court and the same has been registered as Interlocutory Application No. 3. The same is being circulated before the Hon'ble Court.

It is submitted that M/s. K.J. John, Advocate has on 28.10.2013 filed Affidavit in reply to the I.A. No. 6 in Writ Petition(C) No. 829 of 2013 with the permission of the Hon'ble Court but it seems he has wrongly mentioned Writ Petition No. 829 of 2013 instead of Writ Petition(C) No. 494 of 2012. However, the said document is being circulated before the Hon'ble Court.

WRIT PETITION (CIVIL) NO. 833 OF 2013

It is submitted that Mr. D.S. Mahra, Advocate has on 17.10.2013 filed two Applications viz Application for Impleadment on behalf of Union of India through Secretary, Ministry of Petroleum & Natural Gas alongwith vakalatnama/appearance and Application for Modification of Court's Order dated 23.09.2013. The Application for Impleadment has been registered as Interlocutory Application No. 2. However, the same stands included in the Paper Books.

It is further submitted that Mr. D.S. Mahra, Advocate has on 21.10.2013 filed Application for modification of Court's Order dated 23.09.2013 in Writ Petition(C) No. 833 of 2013 but the said matter was not listed on 23.09.2013. However the said unregistered Application stands included in the Paper Books.

It is further submitted that Ms. Aishwarya Bhati, Advocate has on 18.10.2013 filed Application for impleadment on behalf of Mathew Thomas with the permission of Hon'ble Court which has been registered as Interlocutory Application No.3. The same stands included in the Paper Books.

It is submitted that Mr. D.S. Mahra, Advocate has on 21.10.2013 filed Counter Affidavit and Reply to Interim Direction on behalf of Respondent No. 4 with the permission of Hon'ble Court. The same stands included in the Paper Books.

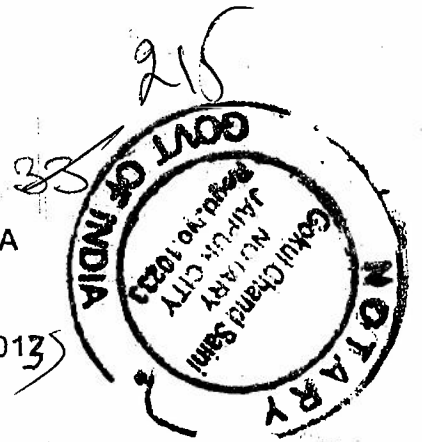
It is submitted that Mr. D.S. Mahra, Advocate has on 23.10.2013 and 24.10.2013 filed vakalatnama/appearance on behalf of Respondent No. 4 i.e. Unique Identification Authority of India and Counter Affidavit on behalf of Respondent No. 3. i.e. Planning Commission and Counter Affidavit is being circulated before the Hon'ble Court.

The Writ Petitions alongwith Interlocutory Applications above-mentioned are listed before the Hon'ble Court with this Office Report for orders.

Dated this the 28th day of October, 2013.

Sd/-
Assistant Registrar

IN THE SUPREME COURT OF INDIA
ORIGINAL WRIT JURISDICTION
WRIT PETITION (CIVIL) No. 833 of 2013



IN THE MATTER OF:

Ms. Aruna Roy & Anr.

Petitioner/s

Vs.

Union of India & Ors.

Respondents

**COUNTER AFFIDAVIT ON BEHALF OF
STATE OF RAJASTHAN**

MOST RESPECTFULLY SHOWETH:

I, Dr. Hansraj Yadav, Additional Director (UID), Department of DoIT&C, Government of Rajasthan do hereby solemnly affirm as under:-

- 1) That I am the officer-in-charge appointed by the State of Rajasthan in the aforementioned case and as such I am well conversant with the facts and circumstances of the case on the basis of knowledge derived from the records of the case and hence I am competent to depose by way of present Counter Affidavit.
- 2) I say that I have read and understood the contents mentioned in the Writ Petition.
- 3) The State of Rajasthan is not taking this litigation as adversary but is keen to provide every resident of the State of Rajasthan a unique identification number so that the identification of the person for access and availing various public utility services is strengthened and smoothened.
- 4) It is humbly submitted that the State of Rajasthan is submitting the present preliminary reply whilst reserving its right to file a detailed counter-affidavit. This preliminary reply is filed due to paucity of time and as the matter is going to be listed on 10th December 2013. The detailed reply, if any, would be filed later on.

- 5) The State of Rajasthan is unambiguously in favour of implementation of Aadhaar Scheme. In fact, if the Aadhaar Scheme as conceived and

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5/12/2013
NOTARY PUBLIC
(ORIGINAL)

Case No. 4/19
Dated 5/12/2013

Signature

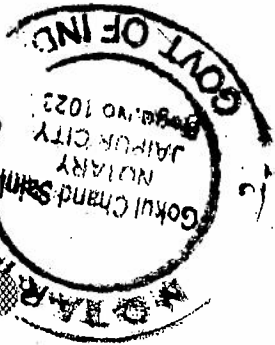
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contemplated is implemented throughout the country then every resident shall have a unique identification number (UID) and which shall have obvious positive impact. Therefore, one cannot find fault with overarching scheme which postulates a Unique Identification Number for every resident of this country.

The Aadhaar Scheme if executed *in toto* has certain distinct advantages which could be enumerated in a nutshell as follows:

- a. It fosters and facilitates the various welfare schemes/subsidies to the intended beneficiary.
- b. It provides easy identification of a person to avail slew of government services and access to health, education and other services and goods provided by the State.
- c. It plugs the leakages & pilferages which takes place in the delivery system of various government services and programmes and the intended beneficiary becomes a direct recipient of various programmes and schemes.

- 6) However, there has been some divergent views which have come with regard to implementation of Aadhaar scheme itself. Thus, the Aadhaar Scheme per se cannot be faulted upon but its execution has led to some glitches or lacunae. It is most respectfully submitted that the Court has very limited powers of judicial review to examine a policy decision. Thus, the Aadhaar Scheme cannot be faulted on the ground that it violates any fundamental right. In fact, the Right to Life includes Right to live with dignity and having minimum economic needs. Thus, the Aadhaar Scheme would only make fundamental rights more meaningful by easy access to various services/goods which are essential for a human being. Thus, the policy of Aadhaar Scheme per se does not breach any of the fundamental rights. It is equally a sedimented proposition of law that possibility of



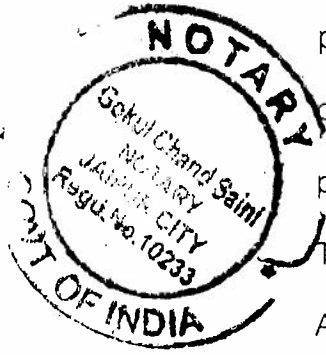
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misuse or even some aberrations whilst implementation or enforcement of a policy decision would not invalidate a scheme or policy decision. The present petition only raises alleged grounds to discredit Aadhaar scheme on the basis of certain aberrations. The grounds of invasion of Right to privacy and lack of executive power are dealt separately in paragraph (3). The lacunae/breaches which have emerged during the implementation of Aadhaar Scheme could easily be resolved at administrative level so as to ensure that the Aadhaar Scheme per se does not fall and the avowed objective behind the Aadhaar Scheme is achieved.



- 7) That, it is incumbent on the Government to discharge its duties and responsibilities in an orderly, effective and transparent manner. It is also a well-established prerogative of the Government to organize its work following sound management practices, periodically re-engineering processes and make use of technology to induce efficiency, convenience, transparency and accountability in the delivery of public services. The Aadhaar scheme and its application to public services is a well-considered decision of the Government of Rajasthan to ensure that the benefits go to intended individuals, leakages and wastes in the deployment of public funds are reduced and residents can avail services with ease and convenience. The application of Aadhaar to the various individual benefit schemes is clearly in the larger public interest. Overall, the objective is to cleanup delivery system and to ensure that nobody takes away the legitimate rights of the beneficiaries.

- 8) That, it would not be out of place to mention here that since Aadhaar number corresponds to a unique record, therefore, tagged to a unique individual, merely introduction of Aadhaar in the beneficiary database ensures detection of a large number of duplicates. Similar use of Aadhaar delivering services like pensions, scholarships, MGNREGA wages,

Regd. No. 4119
Dated 5/8/12-13

Signature

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subsidized food etc could stop-huge leakage and in turn the money saved could be utilized in providing additional benefits to the target beneficiaries.

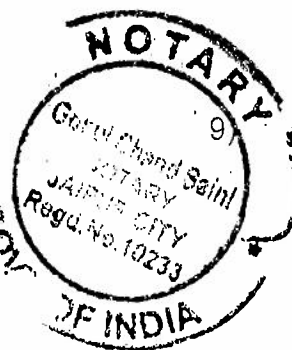
That, the Government of Rajasthan views Aadhaar as a suitable platform for delivery of social benefits to the residents of Rajasthan. To enable a smooth roll out of this project due care is being taken to ensure convenient enrolment. Aadhaar based application and support structure is being developed to ensure proper utilization of potential of the project to enable targeted delivery of benefits. This also provides the State the opportunity to plug leakages that may have crept into the system.

10) That, the impact of the various individual benefit schemes would be substantially diluted if Aadhaar is not used as the identity proof. The highlighted points in paras 1 to 3 would be significantly compromised and the Government will be forced to continue bearing the burden of duplicate and fake beneficiaries.

11) That, it is reiterated that there will be no denial of benefits for absence of Aadhaar with a person. State of Rajasthan will ensure the enrolment of beneficiaries who do not have Aadhaar, state will also give adequate time to the beneficiaries for this purpose. It would be pertinent to mention here that no resident was denied any benefits under the schemes which were linked with Aadhaar. Diligent efforts were made by the concerned authorities to enrol beneficiaries of these schemes, their UID were got generated on priority and linking of their UID and bank account was also facilitated by the District Level Officers of the concerned schemes in their districts.

12) That, it is pertinent to mention here that, Govt. of Rajasthan to reap benefits of UID, decided that UID/EID numbers be mandatorily obtained

from new applicants of 10 schemes including NREGA, Social Security



Regd. No. 4/19
Dated. 5/8/2013

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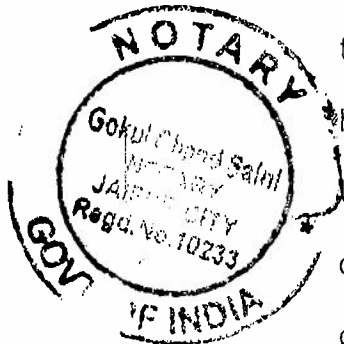
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Pensions(existing beneficiaries will continue to avail services without UID/EID), Ration Card, DL etc in only 14 Tehsils after all the villagers of those tehsils were covered by enrolment agencies. A translated copy of the Circular No.F5(661)/DoIT&C/Tech/5992 dated 17.10.2012 is annexed herewith and marked as Annexure A. (This compulsory collection of UID/EID number from new applicant was for the purpose of stopping duplicates in the database and not denial of services to the resident in lack of having UID number. Moreover, UID number shall not be made compulsory for these schemes in 14 tehsils or other tehsils till almost all the resident availing that scheme have obtained UID number.

- 13) That, the process of issuing Aadhaar to the people has been followed vigorously in the State of Rajasthan and it is pertinent to mention here that more than 60% population of State of Rajasthan has been covered till date and the remaining population is likely to be covered in next few months.
- 14) That, nearly 4000 machines had been deployed across the state and daily enrolment count was more than 1,00,000 with more than 4000 machines deployed by State & Non-State Registrar Enrolment Agencies upto August 2013. Permanent Enrolment Centres now have been set up in almost all the tehsils of the State to cover the process of issuing Aadhaar (UID) to facilitate Aadhaar enrolment to left outs. Presently more than 22,000 residents are being enrolled daily. The decrease in rate of enrolment is due to the uncertainty of status of Aadhaar following the Hon'ble Supreme Court order and the elections. Due to untiring efforts of District & Tehsils level administrative authorities and more than 20 Enrolment Agencies more than 4.10 crores population of the state has been enrolled in such a short time.

- 15) That, enrolment coverage in some of the District(s)/Tehsils the UID enrolment coverage is more than 80% and state has started working on



Regd. No. 4119
Dated 5/8/13

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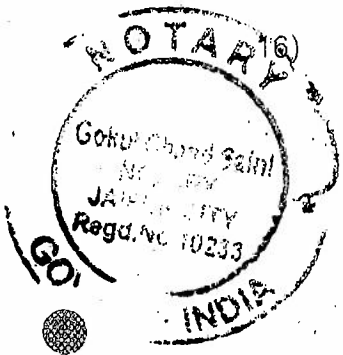
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Aadhaar enablement of various databases to eliminate the fake and duplicate beneficiaries for a effective service delivery which is key for a big state like Rajasthan with limited resources.



That the DoIT, Government of Rajasthan has been identified as the Nodal Department for implementation of the project in Rajasthan. The Principal Secretary DoIT is the Nodal officer for the project. Central Co-ordination of the entire project has been ensured by putting in place a UID Cell at Jaipur. For day to day monitoring and execution a senior official of the State Government has been posted exclusively as OSD UID. A team has been placed under the OSD to address issues of administrative co-ordinator and technical implementation.

- 17) That to ensure that all stakeholders, namely the district administrator, Enrolment Agencies, the Resident and Departments of the State Government, have easy access to relevant information regarding the project, a special portal has been created by the Government of Rajasthan that provides ready information regarding project and relevant to Rajasthan. Links have also been provided on this site, to the portals of the UIDAI. Hence all information is readily available to each stakeholder. Information available on the portal is also a very useful means of monitoring the project and planning future course of action.

Regd. No. 4119
Dated 5/4/2013

- 18) That the project is resident centric in nature and aims to deliver benefits to the residents, a helpline has been created to address queries and complaints if any, regarding the project. A dedicated toll free number has been made available for all resident queries and Aadhaar related queries and are handled from this helpline.

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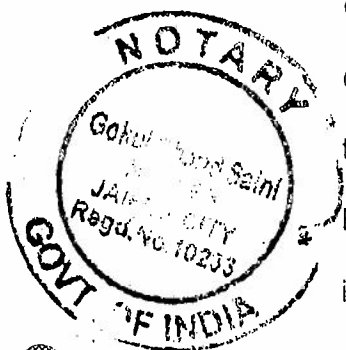
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- 19) That communicating the Aadhaar number to the resident is key to take forward the project into the applications stage. In addition to the normal postal delivery of Aadhaar to residents, the State took the initiative of communicating the Aadhaar number to the resident, through SMS. This could be done for all Residents who had provided their mobile number at the time of enrolment. Over 30 Lakh SMS messages have been sent to Residents and this has been made an on-going feature of the implementation of the project.



- 20) That monitoring the quality of work done in the field is of vital importance. Data quality reports received from the UIDAI are very useful for monitoring the quality of work done at the level of each operator. In addition, a robust mechanism has been put in place for field inspections. Monitors have been deployed across the State for physical inspection of enrolment centres. Each centre is checked for adequacy against a standard set of parameters. All reports are compiled online to enable analysis and taking corrective action required. De-briefing of monitors is done periodically. As the monitors are retired government servants, the inspections done are of high quality.

- 21) That to ensure adequate awareness regarding Aadhaar, appropriate messaging is being ensured throughout the state by using various medium - Newspapers, Hoardings, Wall Paintings, Radio and Local miking. Meetings are held at District and Panchayat level. The involvement of the district administration and block level officials in being ensured. As a special effort, an Aadhaar week was celebrated in the entire State of Rajasthan from 19.08.2013 to 23.08.2013. Special events were conducted simultaneously in all the 33 Districts of the State. It is proposed to hold the Aadhaar week every year, in the State of Rajasthan.

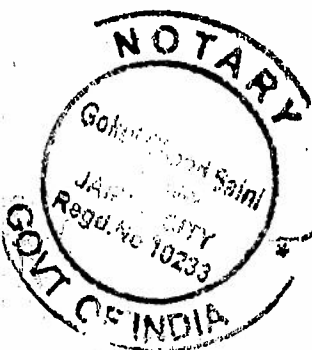
Regd. No. 4119
Dated. 5/11/13

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22) That the State Resident Data Hub (SRDH) is a repository of the resident data. It is being used by Government of Rajasthan to support the electronic delivery of various social services. This will equip the State Government for using technologies to improve and/or enhance the efficiency and effectiveness of delivery of government to resident services on large scale. Creation of such a facility will prevent duplication of effort by various arms of the State Government.



23) That the Rajasthan Government is in the process of starting the electronic services like E-Know Your Customer (eKYC) for social services like Pension Schemes, Scholarship Schemes, etc. With the use of eKYC the State Government will be able to do better governance by means of quick, paperless, and accurate authentication of residents. Further existing available information about the resident can be collected at very low cost, without the need to repeat the exercise, in a secure manner, and with the due consent of the resident.

24) That the Direct Benefit Transfer (DBT) for social schemes has been launched in Rajasthan. There are three pilot districts of Rajasthan in each of Phase-I and Phase-II. There are 14 central DBT schemes across eight ministries in Rajasthan for direct benefit transfer. The Aadhaar based payments transactions have been done across the various central schemes in all the six pilot DBT districts of the Rajasthan. Seeing the potential Aadhaar based DBT in terms of accuracy, convenience, and speed, the State Government has also linked 4 state schemes with Aadhaar for transfer of benefits to the residents. Also the pilots for Aadhaar based delivery to residents by State Government for MGNREGA and PDS are in planning.

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Dated: 5/11/2013

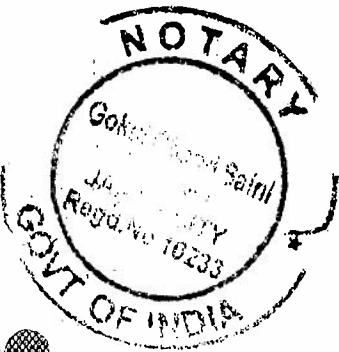
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JAIPUR (INDIA)

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25) That the Aadhaar Based Payment Mechanism has been integrated with the existing Centralized Integrated Financial Management System of the State Government. Technically the State Government is ready to implement the Aadhaar Based payments in all the districts. Migration to an Aadhaar based payment system encourages and requires end to end electronic systems ensuring audit ability and accountability. Where such systems are already in place, the integration can be seamlessly achieved with the existing system, while bringing the benefit of complete integration upto individual payment disbursal at field level.



26) That the Permanent Enrolment Centers (PEC) have been set up by the State Government as SINGLE WINDOW to provide the facilitation to the residents for the entire life cycle of Aadhaar i.e. from Enrolment till the Receipt of Aadhaar Letter. The PECs are being setup at Tehsil and District Headquarters to facilitate all Aadhaar based requirements and queries of residents. At present there are 446 PECs providing the below mention services:

- Enrolments of Left Out Residents & Fresh Enrolments for new born residents
- Update Centres- both for biometric and demographic update.
- Finding the status of Aadhaar enrolments
- e-Aadhaar letter printing
- Tracking the Lost UID enrolments

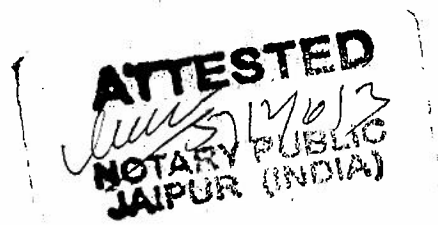
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Dated. 5/4/2013

Re: Infringement of Right to Privacy

27) The Aadhaar Scheme as enunciated by the Union of India seeks following information from the concerned persons:

- a. Name
- b. Gender
- c. Age

Signature



- d. Parentage
e. Address
f. Biometrics

The aforesaid information is the basic information which government can always seek from any person and providing such information would not lead to any invasion of any Right to Privacy. These information are always sought whenever a person is enrolled in school to a stage when the person takes passport. The biometric science would only identify the concerned person and it is only for identification of person. Thus, use of aforesaid information cannot be termed as invasion of Privacy and adequate care has been taken that the data collected during the preparation of Aadhar Card does not come in public domain.

Re: Lack of competence of Executive to implement Aadhaar Scheme in absence of legislation or when the legislation is being contemplated by the Parliament

- 28) The Constitution Bench of the Hon'ble Supreme Court of India in Ram Jawaya Kapur Vs. State of Punjab [(1955) 2 SCR 225] has categorically stated that the Executive power of the Union of India/Centre is co-extensive with the legislative exercised by the Union of India. Thus, the Executive power of the Union of India extends to the issues/matters with which the Parliament has power to make laws. The executive power is only fettered by the fact that it should not be inconsistent with any law made by the Parliament or which contravenes the fundamental rights of the resident. In the present matter, the Union of India had the legislative competence to enact law and therefore shall *proprio vigore* have requisite executive power.

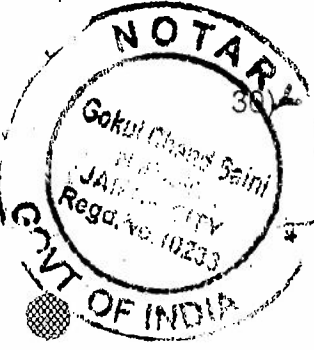
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Dated 5/11/2013

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JAIPUR (Raj.)

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- 29) Thus, absence of a law or even contemplation of law by the parliament cannot be made a ground to declare the Aadhaar policy as *ultra vires*.

Re: Grant of Aadhaar Cards to illegal migrants/persons who are not entitled to Aadhaar Card.



It is respectfully submitted that the possibility of misuse of the policy or certain aberrations cannot invalidate or vitiate any policy decision. A method could be devised by which due diligence takes place so that the Aadhaar Card are not distributed to the persons who are not otherwise entitled to such cards. The foolproof mechanism can be evolved over a period of time but it should not become a ground to invalidate the entire policy. The Union of India could devise such mechanism and it can become part of due diligence.

- 31) Similarly, it has been alleged that the Aadhaar Cards are distributed by the private companies and therefore are reckless in grant of Aadhaar cards. It would be relevant to mention that only the technical functions are given as assistance by the private company to the Government apparatus and it is the State Government/Central Government which disburses the Aadhaar Cards in pursuance to broad guidelines issued by the Union of India.

Re: Denial of subsidies to the persons who are not having UID cards

- 32) It is most respectfully submitted that the entire objective of the schemes is to provide every person a unique identification number for providing various public services and easy access to various government welfare schemes. There is no intention to deny any resident of any public good or public utility services. The Government of Rajasthan had issued a circular dated 17.10.2012. This circular was issued to ensure that people get enrolled. For example, there is no reason as to why government servants should not get themselves in the Aadhaar schemes, especially when there

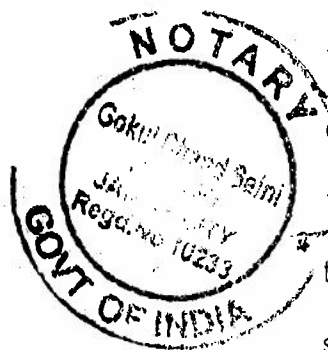
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Dated 5/11/2013

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are various drives to enroll the persons in Aadhaar schemes. The denial of services was confined to 14 tehsils which were about to achieve 100% enrolment. Once the entire area is 100% covered for Aadhaar enrolment, then asking for Aadhaar card becomes imperative so as to provide efficient and effective public services. In the present case, the Circular of 17.10.2012 was confined to 14 tehsils which had achieved or were about to achieve 100% Aadhaar enrolment. Therefore, it would be wrong to suggest that Aadhaar scheme had become a ground to deny the availment of public services. In fact, it is other way round.



33) It is also relevant to mention that the circular dated 17.10.2012 has not led to denial of any services to any legitimate person for lack of Aadhaar scheme. The circular was issued to ensure 100% enrolment of Aadhaar scheme in a particular area and for all government servants. The mandate requirement of availing any public utility / public services would be implemented once all the government-servants are enrolled in the scheme / beneficiary of the particular area are 100% enrolled in the Aadhaar scheme. It is therefore most respectfully submitted that bogey of non-access to public services for lack of Aadhaar Card has been raised to discredit the otherwise laudable scheme.

Regd. No. 4119
Dated 5/11/13

Dr. Hansraj Yadav
(Dr. Hansraj Yadav)
DEPONENT

VERIFICATION:

Verified at Jaipur on 5th day of December 2013 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, and no part of it is false and nothing material has been concealed therefrom.

Dr. Hansraj Yadav
Identified by

ATTESTED
Dr. Hansraj Yadav
NOTARY PUBLIC
JAIPUR (INDIA)

Dr. Hansraj Yadav
(Dr. Hansraj Yadav)
DEPONENT

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ANNEXURE A-4

GOVERNMENT OF RAJASTHAN

Department of Information Technology & Communication

No.: F5(661)/DoIT/Tech/12/5992

Dated: 17/10/2012

CIRCULAR

The second phase of enrolment of UID ("aadhaar") has started in the State. Approximately 91 lakh UID enrolments have been completed in the State. Department of Information Technology & Communication, State Registrar ("aadhaar"), alongwith Postal Department, NSDL and some banks are carrying out the work of "aadhaar" enrolment as non-state enrollers. By March 2013, about 7.5 crore residents of the State will be enrolled for "aadhaar" and in the next 17 months, the work of "aadhaar" enrolment all residents in the State will be completed.

Enrolment is being carried out by "sweep mode", whereby the enrolment agency enrolls the entire population of a Gram Panchayat/Tehsil, only after which it begins enrolment in another area. "Aadhaar" enrolment centres will be established at all Tehsil headquarters during the scheme period.

To ensure the reach of the benefits of "aadhaar" to common people, it is necessary that aadhaar number/aadhaar enrolment be obtained from the beneficiaries and recipients of various schemes. Therefore, it has been decided that while availing the following schemes/services, aadhaar enrolments/aadhaar number will be mandatory, for which detailed instructions will be issued by the concerned department.

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1. Old Age, Widow and Disability Pension (present beneficiaries will be entitled to these services without Aadhaar number/Aadhaar enrolment)

2. NREGA job card
3. Ration card
4. Driving licence
5. Electricity/water connection
6. Property registration
7. Obtaining copy of land records, and changing name therein
8. Indra Awas Yojna and individual beneficial schemes of the Rural Development and Panchayati Raj
9. Scholarships
10. Arms licence

For targeted distribution of services and removal of bogus beneficiaries, all departments are also directed to link existing services/schemes with "aadhaar". Upon the linkage of the above services/schemes with "aadhaar", the "aadhaar" numbers of the remaining beneficiaries may also be collected together.

The work of aadhaar enrolment in 14 tehsils mentioned in Annexure-'A' had already began in the past and by the month of January, 2013, the work of aadhaar enrolment will be completed in those tehsils and all Gram Panchayats. From February 1, 2013, it will be mandatory for all residents in these tehsils to have aadhaar number/aadhaar enrolment number for availing the abovementioned 10 services/schemes. Regarding the other tehsils, the time-limit for making aadhaar number/aadhaar enrolment mandatory will be specified by the Department of Information Technology separately.

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It has also been decided that w.e.f. February 1, 2013, aadhaar number/aadhaar enrolment will be mandatory for Government employees (including public sector undertakings, boards, institutions, autonomous bodies) to draw salaries. Therefore, all government employees are hereby directed that they obtain aadhaar number/aadhaar enrolment before February 1, 2013. For this purpose, aadhaar enrolment centres will be set up at District and Tehsil headquarters.

Under the directions of the Governor
Sd/- (C.K. Mathew)
Chief Secretary

No.: F5(661)/DoIT/Tech/12/5992

Dated:

Copy is forwarded to the following for information and necessary action:-

1. Private Secretary, His Excellency the Governor of Rajasthan, Jaipur.
2. Private Secretary, Hon'ble Chief Minister, Government of Rajasthan, Jaipur.
3. Private Secretary, Chief Secretary, Government of Rajasthan, Jaipur.
4. All other Principal Secretaries, Secretaries and Commissioners, Rajasthan, Jaipur.
5. All Principal Secretaries to Government/Secretaries to Government, Rajasthan, Jaipur.
6. All Heads of Departments/Chief Executive Officers, Rajasthan, with the direction that they ensure compliance of the above directions.

Sd/- (Sanjay Malhotra)
Principal Secretary and Commissioner

True-copy

SECTION PIL (WRIT)

MATTER FOR : 04.02.2014

COURT NO. : 04

ITEM NO. : 06

228A(16)

Q n 833/13

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 494 OF 2012
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NOS. 2 & 7
(Application for Impleadment)

AND

INTERLOCUTORY APPLICATION NO. 3
(Application for Clarification/modification)

AND

INTERLOCUTORY APPLICATION NOS. 4
(Application for Intervention filed by M/s. Meharia & Co., Advs.)

AND

INTERLOCUTORY APPLICATION NOS. 8
(Application for Intervention filed by Mr Nikhil Nayyar, Adv.)

AND

INTERLOCUTORY APPLICATION NO. 5
(Application for Direction)

AND

INTERLOCUTORY APPLICATION NO. 6
(Application for Clarification/modification)

AND

INTERLOCUTORY APPLICATION NOS. 9 & 10
(Application for Intervention & Direction by Mr. Garvesh Kabra, Adv.)

AND

INTERLOCUTORY APPLICATION NOS. 11 & 12
(Application for Impleadment & Permission to file additional documents by Ms. Savita Singh, Adv.)

AND

Contempt Petition (C) No.144/2014 filed by Ms. Aishwarya Bhati, Adv.

AND

WRIT PETITION (CIVIL) NO. 829 OF 2013
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 2
(Application for Impleadment filed by Mr. D.S. Mahra, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. ...
(Application for modification/clarification of the Order dated 23.09.2013)

WITH

INTERLOCUTORY APPLICATION NO. 3
(Application for Impleadment filed by M/s K.J. John & Co., Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 4
(Application for Impleadment filed by M/s K.J. John & Co., Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 5
(Application for Impleadment filed by Mr. Dinkar Kalra, Advocate)

AND

WRIT PETITION (CIVIL) NO. 833 OF 2013
(Under Article 32 of the Constitution of India)

2

WITH
INTERLOCUTORY APPLICATION NO. 1
(Application for Directions)

WITH
INTERLOCUTORY APPLICATION NO. 2
(Application for Impleadment filed by Mr. D.S.Mahra,Adv.)

WITH
INTERLOCUTORY APPLICATION NO. 3
(Application for Impleadment filed by Ms.Aishwarya Bhati,Adv.)

AND
WRIT PETITION (CIVIL) NO. 932 OF 2013
(Under Article 32 of the Constitution of India)

WITH
INTERLOCUTORY APPLICATION NO. 1
(Application for directions)

Justice K.S. Puttaswamy (Retd.) & Anr. etc.

... Petitioners

Versus

Union of India & Ors. etc.

...Respondents

OFFICE REPORT

The Writ Petitions alongwith applications except I.A. Nos. 9 to 12 and Contempt Petition(C) No. 144 of 2014 in W.P.(C)No. 494 of 2012 and I.A. no. 4 in W.P.(C)No.829 of 2013 above-mentioned were listed before the Hon'ble Court on 26.11.2013 with Office Report dated 25.11.2013, when the Court was pleased to pass the following Order:-

“After hearing the matter at length, we are of the view that all the States and Union Territories have to be impleaded as respondents to give effective directions. In view thereof notice be issued to all the States and Union Territories through standing counsel.

The advocates who have already entered appearance must file their replies within a period of three days from today. Learned standing counsel for the States who were not represented may take instructions from their respective States and file their response within one week.

List this matter for further hearing on 10th December, 2013.

Interim order to continue, in the meantime.”

Pursuant to the above order,it is submitted that Amended Cause Title stands included in the Paper Books.

It is further submitted that Show Cause Notice was issued to all the States and Union Territories through Standing Counsel.

It is further submitted that Mr. Anish Kumar Gupta, Advocate for the Petitioner has on 2.12.2013 filed Proof of service after serving copy of Notice upon Standing Counsels of the Respondents.

Hence, Service of Notice is complete.

It is next submitted that following Vakalatnama/appearance's have been filed:-

Sr. No.	Advocate (Mr./Ms/M/s.)	Filed On	On Behalf of
1.	Tapesh K. Singh	25.10.2013	State of Jharkhand (R. No. 13)
2.	Abhinav Mukerji	3.12.2013	State of Bihar (R.No.7)
3.	Corporate Law Group	3.12.2013	State of Assam (R.No. 5)
4.	Kamal Mohan Gupta	3.12.2013	State of Haryana (R.No. 11)
5.	V.G. Pragasam	6.12.2013	U.T. of Puducherry (R.No. 38)
6.	Jagjit Singh Chhabra	9.12.2013	State of Punjab (R.No. 24)
7.	C.K. Sucharita	10.12.2013	State of Andhra Pradesh (R.No.4)
8.	Varinder Kr. Sharma	10.12.2013	State of Himachal Pradesh (R.No.12)
9.	Gopal Singh	10.12.2013	U.T. of Chandigarh (R.No.37)
10.	Hemantika Wahi	11.12.2013	State of Gujarat (R.No. 9)
11.	Anitha Shenoy	18.12.2013	State of Karnataka (R.No.15)
12.	Mishra Saurabh	23.12.2013	State of Madhya Pradesh (R.No.17)
13.	A.P. Mayee	3.1.2014	State of Maharashtra (R.No. 18)
14.	T.G.N. Nair	9.1.2014	State of Mizoram (R.No.21)
15.	Anip Sachthey	23.1.2014	State of West Bengal (R.No. 31)
16.	D.S. Mahra	23.1.2014	U.T. of G.N.C.T. of Delhi (R.No.34)
17.	Gopal Singh	24.1.2014	State of Tripura (R.No.29)
18.	Arputham Aruna &Co.	01.02.2014	State of Sikkim (R.No. 26)

It is further submitted that following Counter Affidavit's/Status Report have been filed:-

Sr. No.	Advocate (Mr./Ms/M/s.)	Filed On	On Behalf of
1.	Kamal Mohan Gupta	3.12.2013	State of Haryana (R.No. 11)
2.	V.G. Pragasam	6.12.2013	U.T. of Puducherry (R.No. 38)
3.	Pragati Neekhra	6.12.2013	State of Rajasthan (R. No. 25)
4.	Mishra Saurabh	6.12.2013	State of Madhya Pradesh (R.No.17)
5.	Jagjit Singh Chhabra	9.12.2013	State of Punjab (R. No. 24)
6.	Gopal Singh	10.12.2013	U.T. of Chandigarh (R.No.37)
7.	Varinder Kr. Sharma	11.12.2013	State of Himachal Pradesh (R.No.12)
8.	Abhinav Mukerji	11.12.2013	State of Bihar (R.No.7)
9.	Anitha Shenoy	23.12.2013	State of Karnataka (R.No.15)
10.	Tapesh K. Singh	22.1.2014	State of Jharkhand (R.No. 13)
11.	C.K. Sucharita	23.1.2014	State of Andhra Pradesh (R.No. 4)
12.	D.S. Mahra	23.1.2014	U.T. of G.N.C.T. of Delhi (R.No. 34)

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It is submitted that all the aforesaid Counter Affidavit's stands included in the Paper Books.

It is further submitted that Mr. Garvesh Kabra, Advocate has on 17.12.2013 filed Vakalatnama/appearance and two separate Applications for Intervention and directions on behalf of Applicants i.e. Dr. Rajendra Sadanand Burma & Dr. Ravindra D. Kolhe The said Applications have been registered as Interlocutory Application Nos. 9 and 10 respectively and stands included in the Paper Books.

It is further submitted that Ms. Savita Singh, Advocate has on 15.1.2014 filed Vakalatnama/appearance and an Application for Impleadment on behalf of Centre for Civil Society to implead as Party Respondent. The said Application has been registered as Interlocutory Application No. 11 and the Application stands included in the Paper Books.

She has also on 24.1.2014 filed Additional documents alongwith Application for permission to file additional documents in I.A. No. 11 on behalf of Centre for Civil Society. The said Application has been registered as I.A. No. 12 and the same stands included in the Paper Books.

It is lastly submitted that Mr. Aishwarya Bhati, Advocate has on 23.1.2014 filed Vakalatnama/appearance and Contempt Petition against Order dated 23.9.2013 on behalf of M/s Mathew Thomas & V.K. Somashekhar, Applicants. The said Contempt Petition has been registered as C.P. No. 144/2014 and the Contempt Petition stands included in the Paper Books.

WRIT PETITION (CIVIL) NO. 829 OF 2013

It is submitted that Show Cause Notice was issued to the all the three Respondents through Registered A.D. Post. Neither A.D. Cards nor unserved covers containing Show Cause Notice has been received back so far in respect of Respondent Nos.1&2. Service of Notice is incomplete in respect of Respondent nos.1 & 2.

It is further submitted that Mr. D.S. Mahra, Advocate has on 23.10.2013 filed Vakalatnama/appearance and Counter Affidavit on behalf of Respondent No. 3 (Unique Identification Authority of India) and Counter Affidavit stand included in the Paper Books.

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It is further submitted that M/s. K.J. John, Advocates for the Petitioner have on 09.12.2013 filed Rejoinder Affidavit to the Counter Affidavit on behalf of Respondent No.3 with permission of the Hon'ble Court. Same stands included in the paper books. They have also on 24.1.2014 filed Additional Affidavit with permission of the Hon'ble Court and the same stand included in the Paper Books.

It is next submitted that M/s. K.J. John, Advocate has on 07.12.2013 filed Application for Impleadment on behalf of Reserve Bank of India and the same has been registered as Interlocutory Application No. 4. The same stand included in the Paper Books.

WRIT PETITION (CIVIL) NO. 833 OF 2013

It is submitted that there are 4 Respondents. Mr. D.S. Mahra Advocate has accepted Notice before Hon'ble Court in respect of Respondent No.1 and 2 (Union of India.) but appearance has not been filed so far.

It is submitted that Mr. D.S. Mahra, Advocate has filed vakalatnama/appearance and Counter Affidavit and Reply to Interim Direction on behalf of Respondent No. 4 with the permission of Hon'ble Court. The same stands included in the Paper Books.

It is submitted that Counter affidavit has been filed by Mr. D.S. Mahra, Advocate on behalf of R-3 i.e. Planning Commission but no vakalatnama/appearance has been filed on behalf of Respondent No. 3. so far. The counter Affidavit stands included in the Paper Books.

It is submitted that Mr. Vijay Kumar, Advocate for the petitioner has on 24.1.2014 filed Rejoinder Affidavit to the Counter affidavit on behalf of Respondent No.2 with permission of the Hon'ble Court and the same stand included in the Paper Books.

WRIT PETITION (CIVIL) NO. 932 OF 2013

Pursuant to the Court's order dated 19.11.2013 Service of Notice is complete upon all the 4 Respondents

It is lastly submitted that M/s Mohit D. Ram and H.S. Parihar, Advocates have on 27.11.2013 and 03.1.2014 filed Vakalatnama/appearance on behalf of Respondent Nos. 2 and 3 i.e. (Election Commission of India and R.B.I) respectively. But, no Counter Affidavit has been filed so far.

6

Thereafter, matter was listed before Hon'ble Court on 28.01.2014, when the Court was pleased to pass the following Order:-

“List the matter on Tuesday, the 4th February, 2014 subject to overnight part-heard”

It is submitted that Mr. Dinkar Kalra, Advocate has on 01.02.2014 filed Application for impleadment in Writ Petition(C) No. 829 of 2013. Same has been registered as I.A. No. 5 and is being circulated for the kind perusal of Hon'ble Court.

The Writ Petitions alongwith Interlocutory Applications above-mentioned are listed before the Hon'ble Court with this Office Report for orders.

Dated this the 3rd day of February, 2014.

Sd/-
Assistant Registrar

hnd 033/13
SECTION PIL (WRIT)

MATTER FOR : 16.03.2015
COURT NO. : 06
ITEM NO. : 301

229 BCR

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 494 OF 2012

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NOS. 2 & 7

(Application for Impleadment)

AND

INTERLOCUTORY APPLICATION NO. 3

(Application for Clarification/modification)

AND

INTERLOCUTORY APPLICATION NOS. 4

(Application for Intervention filed by M/s. Meharia & Co., Advs.)

AND

INTERLOCUTORY APPLICATION NOS. 8

(Application for Intervention filed by Mr Nikhil Nayyar, Adv.)

AND

INTERLOCUTORY APPLICATION NO. 5

(Application for Direction)

AND

INTERLOCUTORY APPLICATION NO. 6

(Application for Clarification/modification)

AND

INTERLOCUTORY APPLICATION NOS. 9 & 10

(Application for Intervention & Direction by Mr. Garvesh Kabra, Adv.)

AND

INTERLOCUTORY APPLICATION NOS. 11 & 12

(Application for Impleadment & Permission to file additional documents by Ms. Savita Singh, Adv.)

AND

INTERLOCUTORY APPLICATION NO. 13

(Application for Direction filed by Mr. Tapes K. Singh, Adv.)

AND

INTERLOCUTORY APPLICATION NO. 14

(Application for Permission to file Addl. Affidavit filed by Mr. B.K. Prasad, Adv.)

AND

Contempt Petition (C) No. 144/2014 filed by Ms. Aishwarya Bhati, Adv.

AND

WRIT PETITION (CIVIL) NO. 829 OF 2013

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for Impleadment filed by Mr. D.S. Mahra, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. ...

(Application for modification/clarification of the Order dated 23.09.2013)

WITH

INTERLOCUTORY APPLICATION NO. 3

(Application for Impleadment filed by M/s K.J. John & Co., Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 4

(Application for Impleadment filed by M/s K.J. John & Co., Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 5

(Application for Impleadment filed by Mr. Dinkar Kalra, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 6

(Application for Impleadment/Directions filed by
Mr. Amit Sharma, Advocate)

AND

WRIT PETITION (CIVIL) NO. 932 OF 2013

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 1

(Application for directions)

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for interim directions)

WITH

INTERLOCUTORY APPLICATION NO. 3

(Application for early hearing)

AND

WRIT PETITION (CIVIL) NO. 833 OF 2013

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 1

(Application for Directions)

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for Impleadment filed by Mr. D.S. Mahra, Adv.)

WITH

INTERLOCUTORY APPLICATION NO. 3

(Application for Impleadment filed by Ms. Aishwarya Bhati, Adv.)

WITH

INTERLOCUTORY APPLICATION NO. 5

(Application for Impleadment filed on 11.3.2014 by
Mr. E.C. Agarwal, Advocate)

AND

WRIT PETITION (CIVIL) NO. 37 OF 2015

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 1

(Application for Ex-parte ad-interim stay)

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for permission for file additional documents)

WITH

INTERLOCUTORY APPLICATION NO. 3

(Application for permission for file additional affidavit)

Justice K.S. Puttaswamy (Retd.) & Anr. etc.

... Petitioners

Versus

Union of India & Ors. etc.

... Respondents

Mr. Krishan Kumar, Advocate,

OFFICE REPORT

The Writ Petitions alongwith applications above-mentioned except Writ Petition (C) 37 of 2015 were listed before the Hon'ble Court on 25.02.2014 and mentioned on 28.04.2014, when the Court was pleased to pass the following Orders:-

Order dated 25.02.2014:

"Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner in W.P.(C)NO.829/2013 resumed his arguments at 2.05 p.m. and was on his legs till the Court rose for the day. Matters remained pMr. Krishan Kumar, Advocate,art heard.

List on Tuesday, 4th March, 2014 as part heard."

Order dated 28.04.2014:

"On the joint prayer made by the learned counsel for the parties, list the matters in the month of July, 2014."

Writ Petition (Civil) No. 494 of 2012

It is submitted that following Vakalatnama/appearances have been filed:-

Sr. No.	Advocate (Mr./Ms/M/s.)	Filed On	On Behalf of
1.	Tapesh K. Singh	25.10.2013	State of Jharkhand (R. No. 13)
2.	Abhinav Mukerji	3.12.2013	State of Bihar (R.No.7)
3.	Corporate Law Group	3.12.2013	State of Assam (R.No. 5)
4.	Kamal Mohan Gupta	3.12.2013	State of Haryana (R.No. 11)
5.	V.G. Pragasam	6.12.2013	U.T. of Puducherry (R.No. 38)
6.	Jagjit Singh Chhabra	9.12.2013	State of Punjab (R.No. 24)
7.	C.K. Sucharita	10.12.2013	State of Andhra Pradesh (R.No.4)
8.	Varinder Kr. Sharma	10.12.2013	State of Himachal Pradesh (R.No.12)
9.	Gopal Singh	10.12.2013	U.T. of Chandigarh (R.No.37)
10.	Hemantika Wahi	11.12.2013	State of Gujarat (R.No. 9)
11.	Anitha Shenoy	18.12.2013	State of Karnataka (R.No.15)
12.	Mishra Saurabh	23.12.2013	State of Madhya Pradesh (R.No.17)
13.	A.P. Mayee	3.1.2014	State of Maharashtra (R.No. 18)
14.	T.G.N. Nair	9.1.2014	State of Mizoram (R.No.21)
15.	Anip Sachthey	23.1.2014	State of West Bengal (R.No. 31)
16.	D.S. Mahra	23.1.2014	U.T. of G.N.C.T. of Delhi (R.No.34)
17.	Gopal Singh	24.1.2014	State of Tripura (R.No.29)
18.	Arputham Aruna &Co.	01.02.2014	State of Sikkim (R.No. 26)
19.	Jatinder Kr. Bhatia	15.2.2014	State of Uttarakhand (R. No. 29)
20.	B. Balaji	13.3.2014	State of Tamil Nadu (R. No. 27)
21.	Jayant Mohan	30.6.2014	State of Goa (R. No. 10)

It is further submitted that following Counter Affidavit's/Status Report have been filed:-

Sr. No.	Advocate (Mr./Ms/M/s.)	Filed On	On Behalf of
1.	Kamal Mohan Gupta	3.12.2013	State of Haryana (R.No. 11)
2.	V.G. Pragasam	6.12.2013	U.T. of Puducherry (R.No. 38)
3.	Pragati Neekhra Ruchi Kohli--	(i) 6.12.2013 (ii) 11.3.2014 (Suppl. Affidavit)	State of Rajasthan (R. No. 25)
4.	Mishra Saurabh	6.12.2013	State of Madhya Pradesh (R.No.17)
5.	Jagjit Singh Chhabra	9.12.2013	State of Punjab (R. No. 24)
6.	Gopal Singh	10.12.2013	U.T. of Chandigarh (R.No.37)
7.	Varinder Kr. Sharma	11.12.2013	State of Himachal Pradesh (R.No.12)
8.	Abhinav Mukerji	11.12.2013	State of Bihar (R.No.7)
9.	Anitha Shenoy	23.12.2013	State of Karnataka (R.No.15)
10.	Tapesh K. Singh	22.1.2014	State of Jharkhand (R.No. 13)
11.	C.K. Sucharita	23.1.2014	State of Andhra Pradesh (R.No. 4)
12.	D.S. Mahra	23.1.2014	U.T. of G.N.C.T. of Delhi (R.No. 34)
13.	Arputham Aruna & Co.	10.2.2014	State of Sikkim (R. No. 26)
14.	Corporate Law Group	5.3.2014	State of Assam (R. No. 5)
15.	B. Balaji	13.3.2014	State of Tamil Nadu (R. No. 27)
16.	Gopal Singh	10.2.2015	State of Tripura (R. No. 28)

All the aforesaid documents stands included in the Paper Books.

It is further submitted that a Status Report from Goa Human Rights Commission alongwith Letter dated 19.8.2014 has been received and the same stands included in the Paper Books.

It is further submitted that Mr. B.K Prasad, Advocate on behalf of Union of India has on 20.11.2014 filed an Additional Affidavit alongwith application for permission to file Additional Affidavit. The said Application has been registered as I.A No. 14 and stands included in the Paper Books.

Writ Petition (Civil) No. 932 of 2013

It is submitted that Dr. Abhishek Atrey, Advocate has on 16.12.2014 filed Vakalatnama/appearance on behalf of Petitioner after obtaining 'no objection' from the erstwhile counsel, Ms. Jyoti Mendiratta, Advocate.

It is further submitted that Dr. Abhishek Atrey, Advocate for the Petitioner has on 09.01.2015 filed an application for interim directions. The same has been registered as Interlocutory Application No. 2 of 2015 and stands included in the Paper Books.

It is further submitted that Dr. Abhishek Atrey, Advocate has on 11.02.2015 filed application for early hearing on behalf of the Petitioner. The unregistered application is being circulated before the Hon'ble Court.

Writ Petition (Civil) No. 833 of 2013

It is submitted that Ms. Ruchi Kohli, Advocate has on 11.03.2014 filed Affidavit on behalf of State of Rajasthan and the same stands included in the Paper Books.

It is next submitted that Mr. E.C. Agrawal, Advocate has on 11.03.2014 filed an application for impleadment on behalf of Mr. Rajiv Chandrashekher as Respondent which has been registered as Interlocutory application No. 5 and included in the paper books.

Writ Petition (Civil) No. 37 of 2015

The Writ Petition alongwith applications were listed before the Hon'ble Court on 13.02.2015, when the Court was pleased to pass the following Order:-

“On an oral request made by Shri Gopal Subramaniam, learned senior counsel appearing for the petitioner, we implead the State of Maharashtra represented through its Chief Secretary and the Reserve Bank of India as the respondents.

Amended memo of parties be filed within a week's time from today.

Notice.

Shri D.S. Mahra accepts notice on behalf of respondent No. 1 and seeks four weeks' time to file reply affidavit.

Tag with W.P. (C) No. 494 of 2012.”

It is submitted that pursuant to above Order, the instant matter has been tagged with W.P. (C) No. 494 of 2012.

It is further submitted that Ms. Aishwarya Bhatt, Advocate has on 21.02.2015 filed amended memo of parties and the same stands included in the Paper Books.

It is further submitted that Show Cause Notice could not be issued to respondents as complete set of the Petition has not been filed by counsel for the Petitioner.

The Writ Petitions alongwith applications and Contempt Petition above-mentioned are listed before the Hon'ble Court with this Office Report for orders.

Dated this the 14th day of March, 2015.

Sd/-
Assistant Registrar